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THE
AMERICAN REGISTER,

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HISTORY, POLITICS AND SCIENCE.

PART I. FOR 1810.

VOL. VI.

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1810

2. 1. 1.

PREFACE.

THE present number is delivered to the public with unfeigned anxiety and diffidence. In consequence of the lamented death of Mr. Brown, the former editor, the original matter has been supplied by another hand who until he was engaged to execute that delicate trust, was an absolute stranger to the pages of the register. To those great and astonishing events that distinguished the period of time embraced in the present volume, he had devoted only that general attention which any other member of society would, who felt a sympathy for the downfall of states and empires, and who is doomed to be a witness of carnage and conflagration, without the ability to remove the fire-brand or the dagger. In truth, objects of such research, unless they fall peculiarly within our province to seek, are not so desirable to one, who would in his unostentatious passage to the grave, rather tread on the roses than on the thorns of existence. Life even in the petty and isolated sphere of it, which the humblest individuals occupy, is replete with miseries enough to engross his attention either to avoid, to abate, or to suffer with resignation. Unless he was studious to aggravate the evils which a mysterious and inscrutable Providence has inflicted, he would not wish to turn over a single page in the sable folio of European calamity and to read the bloody characters there engraven. Many are so wedded to the destinies of either England or France, that they are enabled to quadrate their joys and sorrows by the successes or defeats of either of those rival nations. In this turmoil of the passions, the subject that first prompted hostility, is lost, and entirely dissipated by the glare of military splendor and high achievements by which it is surrounded. Under such influence we forget for a time our own nature, and the admirers almost cease to be *men*. A difficulty to be surmounted by the reporter of these bloody events is the confusion, exaggeration and horrible violations of truth so often to be discovered in official accounts. Both parties have such a palpable interest in misrepresentation that such documents if implicitly pursued, would lead to absurdities so glaring, that a child would blush at such detection. He who has been in the habit of selecting, digesting, and composing such documents, is in a measure forewarned of his purpose; he treads with a scrutinising and suspicious eye, and tries the firmness of the soil before he ventures his weight. A long and preparatory examination has disciplined him to the task, and he can venture to state with considerable confidence the probable result. Far different is the lot of him who has not been previously engaged in such re-

searches. While anxious for truth he unintentionally states a falsehood and is condemned to bear the reproach of detection when he has only *official evidence* of the fact. Nor does the difficulty end even here. The official information often hurries us into the midst of a battle without any previous mention of the opposing forces, their situation, numbers or destination. So difficult is truth, and accurate information to be obtained on such subjects that one of the greatest statesmen that England ever produced, on his desiring one of his children to amuse his leisure moments by a book, forbade him the perusal of history, because he said *that must be false*. The remark indeed wears the appearance of paradox, but it may justly be questioned whether what is commonly received as historical fact might not be cited in confirmation. Punic faith is to the present day regarded as a proverb importing perfidy; but are we aware at the same time that those punie instances of perfidy are delivered down to us through the channel of Roman history? Had Carthage been blest with historians equal in celebrity to her warriors, are we prepared to say that the laurels of Scipio Africanus would have worn the same verdure that they have done in the eyes of all succeeding ages? When the exploits of Napoleon Buonaparte are surrendered into the hands of the historian, when the venal tongue of flattery will be silent, and impartiality shall attempt to mete out his share of censure or applause, is there no hazard that he shall receive more than his fair allowance of either? Time has often been figuratively styled the test of truth, but on what grounds it is difficult to conjecture. If the tongue of adulation is silent, the official record remains, and whether a falsehood proceed from one or the other, it does not lose its character by the source from whence such intelligence is obtained.—Not to wander into matter foreign to the immediate object of this preface, no one can be more sensible than the present compiler, of his incompetency to do complete justice to the task, and of the fearful disparity from nature as well as from the adventitious circumstances under which he labours in succeeding a hand so competent. His aim has been impartiality—"he has spoken with the freedom of history, and he hopes without offence."

Inevitable circumstances resulting from the lamented death of the former editor, have procrastinated the appearance of the present volume. It is hoped that our patrons will excuse what could not have been avoided.

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*Errata.....*THE Reader is desired to correct the following errata—in the second sentence of the first chapter in the book, expunge the word “and” between the words “latter” and “when”. In the first line of the 5th page, obliterate the word “Since”.

In the 24th line from the top of the same page for “*absolute*” read *obsolete*.



ANNALS
OF
EUROPE AND AMERICA.

VOL. VI.

B



ANNALS OF EUROPE.

CHAPTER I.

IT is presumed to be unnecessary to enter particularly into the causes of the war which has so long afflicted the empire of Spain. The controversies between Charles the late Spanish monarch, and his son Ferdinand the presumptive heir to the crown, the abdication of the throne by the former and its acceptance by the latter, and when both parties were in the hands of Buonaparte in consequence of the events at Bayonne, and the surrender to the Napoleon dynasty are all perspicuously detailed in the pamphlet of Cevallos, and are now facts universally known. The strong agitation produced by these events in the minds of the Spaniards, the assumption of the royal prerogative by the Junta of Seville, acting in the name and under the authority of Ferdinand then a prisoner in France, and the gallantry with which the cause of that infatuated monarch was defended, have commanded alike the admiration of Europe and America. Some of the most important fortresses on the frontiers of Spain were taken possession of by the French troops at the time of the capture and imprisonment of Charles and Ferdinand. Here was then a country to all appearance entirely at the disposal and mercy of France. The king in captivity—hostile troops occupying the frontier and interior of the country, a new sovereign in the capitol with a formidable military force at his command, amidst a jealous and distracted people deprived of the standard around which the disaffected might rally. If we add to this that for a long preceding time, Spain had been almost the implicit tool of France, had fought her battles, though she participated not in the glory of her victories, had exhausted her blood and the mines of Mexico, for the aggran-

dizement of her ally, there seems no point of calculation on which to found even a dream of resistance. But we are born to be astonished by incalculable events: It is an age of wonder and of paradox.

The popular indignation aroused to a paroxysm, adhered to the mere name of Ferdinand with a loyalty seldom evinced for the person of a monarch. We see the junta of Seville environed by such embarrassments, disposing of the lives of thousands and thousands of their fellow subjects, a spectacle to be rivalled only by the enthusiasm with which they were surrendered. If speculation may be hazarded on points which seem above all speculation, we may venture to question the policy of the junta of Seville in assuming the name of Ferdinand. With the blow that deprived the Spaniards of their monarch, the name likewise we may suppose might with safety be abandoned. There was not the least glimmer of probability that their king would ever be restored, and the presumption was that his death would be hastened in consequence of such unheard of exertions in his behalf. It further put a formidable power in the hands of Buonaparte to represent such loyalty as rebellion, as their king was in his possession, and ready at his nod to disavow the transactions of his subjects; of this power that crafty monarch has already profited. This plea would be a sufficient pretext to deter the timid, the irresolute and the disaffected from acting. Meanwhile in proportion to the inaccessible nature of the attempt, and the difficulties attending it, would abate the ardour of those who advocated the cause of their monarch. It was peculiarly the duty of the junta to have set before the eyes of the Spaniards something practicable, something within the compass of probability, something on which there was a rational hope of success. Beyond all it was their duty to have disentangled themselves from Buonaparte's influence, and not to have bound themselves by the sanctity of an oath to perform things morally speaking impossible, such as the restoration of Ferdinand to the throne of his ancestors. When we grasp at objects beyond our acquisition and fail, such failure has a kind of retro-active operation on things clearly within the sphere of attainment. The despair attached to the former object is likewise connected with all subsequent exertion, and because we cannot extinguish the heat of the sun, we deem it impracticable to find the consolation of shade. Besides in the case of Ferdinand, the absurdity of making the very prince then in the possession of the enemy, the organ or medium of effective hostility is not only manifest but palpable. Personally he is imprisoned, a pensioner on the bounty of his enemy—and trembling for the safety of his life—potentially he is seated on the throne of his fathers wielding and directing the destinies of millions of his subjects—This is a phenomenon unheard of until the present age, a king at one and the same time—on a throne, and in a dungeon, ruling a mighty empire, and begging for his bread. This was a species of chivalry beyond all the gallantry of Don Quixote, and which required more than his madness to undertake. Moreover when the plan thus inherently impracticable was found so, it subject-

ed this junta to the charge of insurgency and rebellion. Since it was a generous contest for the liberation of their monarch, but it may be made a question whether that monarch wished for liberation, and whether it would not require some time for him to form his choice between a dungeon and a throne, if Buonaparte had expressed a wish in favour of the former. The Junta by thus appropriating the loyal energies of a brave people have it is much to be feared been the involuntary agents in rivetting the chains of their country. Prudence and policy required and the times demanded a complete revolution. It was a time for the reformation of the church and the state—insufferable abuses had crept into both—the golden moment had arrived and the people were now ripe for the undertaking as attested by the event. They felt themselves strong and nearly unanimous, their minds were lifted to the height of noble daring and had a right impetus been given to such energy there would have been no calculating on the benefits arising from the result. An entire and total revolution would have developed talents equal to the emergency—the example of France would have warned them against the excesses of one, and their own unanimity would have prevented that evil. Estimable as caution is in public and private life while the world goes smoothly on, it is often a vice when the occasion claims unparalleled energy. The junta composed of patriots with whom Cincinnatus would have been proud to have claimed kindred, have we fear this sin to answer for—they collected together the fragments of their old and absolute prejudices—represented the evils under which they had suffered so long as a prize worth contending for, and at that critical period thus exhausted the popular effervescence. When reason was left to its calm operation it dictated at once, that the boon was unworthy of the struggle to obtain it—that to shed their blood to cement the broken links in the chain of papal oppression was a sacrifice too great—that absolute monarchy and irresponsible prerogative under a new dynasty or an old one, was but a choice of servitude at best and that in such a state of things it was but of little moment who the master was. Seasons auspicious for the introduction of liberty and law amongst nations are rare, and when once gone by unimproved will not for centuries return. Good and enlightened men of other countries although they wished the expulsion of the Napoleon dynasty could not enter with zeal into the cause for which Spain is now fighting. The Pope and the inquisition and the pusillanimous race of the Bourbons could have no charms for them. If Spain had proceeded in her romantic object and Ferdinand been restored to the throne, he might have been after all a mere instrument for Buonaparte to have tampered with again. Such wonderful changes have been brought about by the convulsions in Europe that we have lived to see the day when a protestant army has been assisting the Spaniard in fighting for the supremacy of their old and inveterate enemy the Pope.

This attempt to reinstate on the throne a weak and insignificant prince, was brilliant beyond doubt, but it owes all its brilliancy to its impracticability. From its nature it must lack that continued enthusiasm that produces important and efficient changes in the con-

stitution of governments. The point of time when Spanish hostility would have availed the most, was when the French emperor was diverted from this object by the inimical appearances of the court of Austria. That this produced a strong sensation in the French cabinet is evident, not only from the correspondence contained in the present number, but also from the incredible efforts of Buonaparte to repress and subjugate that country. Had Spain seconded the Austrian diversion by such efforts as she had been accustomed to make, we have strong reason to believe, that she would have been emancipated from Buonaparte. On the contrary general Moore who was sent with a British army to co-operate with the Spaniards several months anterior to the commencement of Austrian hostilities, writes from Salamanca to this effect, "The Spanish government do not seem ever to have contemplated the possibility of a second attack, and are certainly quite unprepared to meet that which is now made upon them; their armies all are inferior even in number to the French; that which general Blake commanded, including Romana's corps, did not exceed thirty-seven thousand men, a great proportion of them mere peasantry. The armies of Castanos and Palafox united do not exceed forty thousand, and are not I suspect of a better description, and until lately they were much weaker. In the provinces no armed force whatever exists, either for immediate protection or to reinforce the armies. The French cavalry in Burgos in small detachments are overrunning the province of Leon, raising contributions to which the inhabitants submit without the least resistance. The enthusiasm of which we have heard so much nowhere appears; whatever good will there is, and I believe amongst the lower orders there is a great deal; is taken no advantage of."

We are perfectly aware that in opposition to this gloomy representation of general Moore's, many will be disposed to place the spirit and enthusiasm displayed in the publications of the Junta of Seville. This is at best questionable evidence. In proportion as the spirits of the Spaniards flag, it is reasonable to presume, that the Junta will hold out more flattering prospects, and that their productions will breath more animation. General Moore's evidence is surely disinterested, and that this was no hasty opinion of his, is evident from the following extract from the last letter he ever wrote. "I was sensible however, that the apathy and indifference of the Spaniards would never have been believed, that had the British been withdrawn, the loss of the cause would have been imputed to their retreat, and it was necessary to risque this army to convince the people of England, as well as the rest of Europe, that the Spaniards had neither the power nor the inclination to make efforts for themselves. It was for this reason that I made the march to Sahagun. As a diversion it succeeded. I brought the whole disposable force of the French against this army, and it has been allowed to follow me without a single movement being made to favour my retreat. The people of the Gallicias, though armed, made no attempt to stop the passage of the French through their mountains. They abandoned their dwellings at our approach, drove away their carts, oxen, and every

thing that could be of the smallest aid to the army. The consequence has been, that our sick have been left behind, and when our horses and mules failed, which on such marches and through such a country was the case to a great extent, baggage, ammunition, stores, and even money, were necessarily destroyed or abandoned." The justice and propriety of these remarks were not only manifested by the evidence of the gallant general himself, who, fought, conquered and died with very little or no assistance from the Spaniards, but likewise from Sir Arthur Wellesley's account of the battle of Talavera. By the concentration of the French forces in the vicinity of Madrid, he had reason to apprehend a general attack. From his confederate Spanish generals Venegas and Cuesta, he was led to expect a powerful co-operation—but the former general afforded him none. Contrary to his agreement he suffered his troops to remain in the town of Daniel in the province of La Mancha, while Cuesta and Wellesley had to sustain the whole brunt of the enemy's force. Joseph Buonaparte with the whole garrison of Madrid, and the respective armies of marshals Jourdan, Victor and general Sebastiani, were enabled thus unmolested to concentrate their forces on the plains of Talavera. Under this great inequality, the British forces encamped in an open plain in the vicinity of the town, while the part occupied by the Spanish troops was covered by olive trees, and much intersected by banks and ditches. The town of Talavera, the roads leading to it, and the bridge across the Abheche were occupied by the Spanish troops forming the right wing of the army. Between the Spanish and English army was an high and commanding spot of ground, on which a redoubt was constructed, the station of brigadier general Campbell. The plain where the British army was stationed was covered by a rising ground, where a division of infantry was posted under the command of major general Hill. Beyond this rising ground and a chain of mountains extending still further to the left was a valley left unoccupied at the commencement of the action. The French began the attack by a brisk cannonade on the left, (the station of the British troops) and by an attempt to overthrow the Spanish infantry, posted as mentioned above, but were completely foiled in their object. The French taking advantage of the night, pushed a division along the valley on the left of the height where general Hill was stationed, and gained a momentary possession, from whence they were expelled by the bayonet. Two more attempts were made, and with the same success. The possession of this height would have exposed the whole of the British army uncovered, to the assaults of the enemy.

The French placed light infantry in the range of the mountains to the left of the valley, which were opposed by a division of Spanish infantry commanded by general De Bassecourt. The general attack now commenced by a furious attempt to gain possession of the heights commanded by general Hill, and likewise on the station of general Campbell in the centre of the two armies. The effect of these two attacks made at one and the same time, if successful, would have been in the first place to have completely cut off

all communication between the two armies, and in the next to have exposed the whole of the English army, uncovered, to the galling fire from the heights. A third attack was likewise made by the French on the centre of the first line of the British army. We cannot but pause for a moment to admire the profound skill displayed by the French in their discipline of battle. One successful blow would have been attended with a three-fold effect—the separation of the British from the Spanish army—the centre of the British broken, and one half rendered incapable either to advance or to retreat, and completely surrounded by their enemies. Fortune did not favour the effort, these several attacks were all gallantly repulsed, and the French retired from the field with the loss of ten thousand men. Sir Arthur Wellesley in his detail of this engagement remarks that “the Spanish commander in chief, his officers and troops manifested every disposition to render him assistance, and those of them which were engaged did their duty; but that the ground which they occupied was so important and its front at the same time so difficult that he did not think it proper to urge them to make any movement on the left of the enemy while he engaged them.”——

Sir Arthur who was disposed to look on the conduct of the Spaniards with the most favourable eye, therefore admits in his despatch that the Spanish general Venegas did not afford him that succour which he had stipulated to do, and that general Cuesta who did, contented himself merely by maintaining his strong position and was hardly concerned in the active duties of the day.

After the battle of Talavera, we shall see that Sir Arthur Wellesley, with all his partiality for the Spaniards, does not hesitate to speak in terms of strong disapprobation of the conduct of general Cuesta.

The hostile armies of marshals Soult and Ney, were about forming a junction, and Joseph Buonaparte and Jourdan, were advancing for the same purpose to Talavera. Their whole united force, amounted to fifty thousand strong. Sir Arthur to the extent, had but twenty five thousand, and a general engagement would have exposed them, exhausted as they were by painful marches, to such an immense superiority of numbers. An important post, the Puerto de Banas, between Castile and Estremadura, which was occupied by the Spanish troops, it was deemed of the utmost importance to maintain. General Cuesta had engaged on the first entrance of Sir Arthur into Spain, to detach two battalions from his own army, to reinforce the garrison of the Puerto de Banas. On the approach of the enemy towards the garrison, Sir Arthur zealously pressed general Cuesta to comply with his engagement, and to strengthen that garrison by a detachment; Cuesta as warmly insisted that Sir Robert Wilson, who occupied the heights of Escalona, and by so doing, menaced the city of Madrid, should be sent on that duty. The French put a speedy termination to this altercation; for Sir Arthur remarks, that the garrison of Puerto retired without firing a single shot, and took post on the bridge of Almaraz. This changed the

whole aspect of affairs at once, and it became necessary to make some expeditious movement before the French should obtain entire possession of Placentia. Sir Arthur, therefore, left Cuesta at Talavera, and proceeded with his army to Placentia, with an intention of opposing the enemy, and securing the retreat before the junction of the two hostile armies. General Cuesta was to maintain his position at Talavera, so as to keep the enemy at bay, until Sir Arthur should have secured Placentia, and have returned to his reinforcement. Cuesta, in the mean time, relinquished his important station at Talavera, leaving there the sick and wounded of the British army in the hospitals, to the mercy of the French, and marched to join Sir Arthur Wellesley. Thus, by the hasty determination of Cuesta, were they exposed to an attack in front and rear at the same time, and no measures now seemed practicable, but to make an hasty retreat to the banks of the Tagus. Thus far we have followed Sir Arthur Wellesley's account. Joseph Buonaparte's proclamation to his army states, that eighty thousand of his enemies have not been able to contend with forty thousand French. Fifteen hundred of the English army are represented by Sir Arthur as abandoned in the hospitals to the clemency of his enemy. Joseph states them to be six thousand.

Sir Arthur conformable to the wishes of general Cuesta, at length recalled Sir Robert Wilson from his station on the heights of Escalona, by which, according to Joseph Buonaparte's own account, the capital of Spain was endangered, with instructions to recover from the enemy the possession of the Puerto de Banos. This he attempted, but his efforts were unavailing. Marshal Soult, with a great superiority of numbers attacked and defeated Sir Robert; after which the marshal returned to Placentia. The disposition of the French forces in this part of Spain were then as follows:—Marshal Victor's army was divided between Talavera and La Mancha; Sebastiani's in La Mancha; Mortier's in Oropeza, Arzobispo and Naval-Moral; marshal Soult's at Placentia; and marshal Ney's at Salamanca. Sir Arthur adds, that his want of provisions and transports, which had hitherto prevented him from improving many advantages was now felt by his troops in an aggravated degree. He therefore avowed his determination to break up his head quarters and to retire to the frontiers of Portugal. Thus terminated an expedition dictated by British gallantry to assist the suffering Spaniards—an expedition that opened with such flattering appearances and presages of success. The reader cannot but have observed in its progress that want of confidence in the Spaniards towards their allies so necessary for zealous and effectual co-operation. The exertions of Wellesley are practical comments on the fears and apprehensions expressed in the letter of general Moore. Meanwhile the unparalleled successes of Buonaparte in Austria have, it is much to be feared, decided not only the destiny of Germany, but that of Spain also.

It is worthy of remark, that the battle of Talavera is the only battle that the Spaniards fought during the struggle between France and Austria, of which any account can be found official or authentic.

CHAPTER II.

THERE is oftentimes a strange and whimsical analogy between events that seem to have no assignable connection. That two potentates, the one a temporal, and the other both a temporal and spiritual prince should on the same month of the same year, and with only the difference of a day, be deprived of their respective thrones, and both by the same hand, would be regarded as a singular casualty in any other era than ours. Such is notwithstanding the fact. On the 10th day of June, 1809, commissioners appointed by Buonaparte, seized on the papal estates, and declared them annexed to the empire of France; and on the 9th day of the same month the duke of Sudermania assumed the royal government while Gustavus the rightful monarch was doomed to a dungeon. Without feeling any sympathy for the pope, it may not be wholly uninteresting to examine the principle by which Buonaparte professed to be governed in the seizure, and it may further be attended with this practical good, that those who are dazzled by the glitter of his name, and because he has despoiled the pope of his territory seem to think that he inherits by this and such like acts his infallibility also, may be timely warned of what a formidable instrument they are tampering with—that they may learn betimes that success is not in all cases the standard of justice. The reasons that Buonaparte assigns for this act are as follows: 1. That Charlemagne emperor of the French, and his august predecessor, when he gave divers countries to the bishops of Rome, gave them in title as fiefs to secure the repose of his subjects, without by that act separating them from his empire. 2. That the union of the temporal and spiritual power has been ever since the source of perpetual discord—that the sacred pontiffs have but too often profited by the aid of one, to sustain the pretensions of the other—and that by that means spiritual affairs, which in their nature are immutable, have been confounded with temporal concerns, which vary according to the circumstances and policy of the times. 3. That all which he had proposed to reconcile the safety of his armies, the tranquillity and welfare of his people, the glory and integrity of his empire with the temporal pretensions of the sacred pontiffs had been proposed in vain. For these reasons, with one dash of his powerful pen, he unites the Papal cities, composing a population of one million and five hundred thousand inhabitants to the empire of France. Let us examine these reasons a little in detail. The first is that Charlemagne *his august predecessor*, when he gave divers countries to the bishops of Rome, gave them in title as fiefs to secure the repose of his subjects, without by that act separating them from his empire. Now of all claims to empire we should conjecture that Buonaparte would be the last one to acknowledge, much less to vindicate that

one which antiquity confers. It is an argument capable of such severe retort, that it seems almost incredible that he should espouse a right, the avowal of which writes on his forehead the name of an usurper. And in what sense is he to be regarded as the successor of Charlemagne? Buonaparte contends that all the rights of an old dynasty are acquired by its extinguishment. If the right of resumption exists in the successors of Charlemagne, and antiquity warrants its exercise only, then manifestly a man who is not one of Charlemagne's ancient successors cannot claim that benefit. But what will be the surprize of the reader when he is informed of the circumstances attendant on this donation, as it is called of Charlemagne. The very provinces guaranteed to the pope by Charlemagne were fairly surrendered to the Roman pontiffs before that time by the voluntary submission of the inhabitants. The armies of the Lombards having reduced them to subjection, Pepin the father of Charlemagne recovered them from the enemy, and by a deed of gift re-instituted them in the possession of Pope Stephen. Charlemagne approved and confirmed the gift under Pope Adrian, and inserted in his will an express command on his three sons, to defend these Papal territories by arms. This deed of Charlemagne's therefore, which is cited by Buonaparte in justification of his seizure, was an entire deed of gift, recognized and confirmed by the will of the very man from whom he affects to derive his title. Ten centuries have passed away since the deed of Charlemagne, and it remained for posterity at this distance of one thousand years, to discover the real intentions of the donor.

It was not in the power of the French monarch to have resorted to a precedent that so effectually as the present libels the principle by which he claimed his authority to act. The length of time is of itself an insuperable bar to all such claims in every forum of justice; a principle avowed, recognized and confirmed by all civilized man, which if once, as in the present instance violated, establishes a precedent by which one of the aborigines of this country, or any one else in his stead, is authorized to enter the dwelling of any man in this city and to drive him from the possession of his freehold. It is a principle not more just than that of robbery, and far more dangerous in its operation. It is not more just, because it strikes at the quiet and security of all property real and personal; since it leads to this, that if there was any injustice in the original transaction, the lapse of centuries upon centuries will not wash away the penalty of the offence from an harmless, unsuspecting, and unconscious occupant. It is more dangerous than robbery in its operation, because one is a crime which the power of society may remunerate or avenge, and the other strikes at the root of society itself—dissolves the social compact by adopting a maxim that property is never secure.

The propositions made by Buonaparte to reconcile the glory of his empire with the temporal pretensions of the Pope, and which were rejected by the latter were, that his holiness should declare war against England, and league himself with the kings of Italy and

Naples. The pope's refusal to declare war against England, was the mere nominal exercise of a right which he had not the means to observe. The French troops at that time occupied all his posts, and the whole of the coast, without any regard to the interests of individuals. Further, and to prevent all, even an imaginable cause of complaint on the part of France, the Pope declared that he was ready to shut his ports against England, during the war in which the French emperor was then engaged. Those French troops that lined the coast of the papal empire, received not only all the hospitality that his holiness was capable of affording, but were paid, supported, and maintained by him. Nothing would satisfy the French monarch, but a formal and explicit declaration of war, when it was in his own power, without such a declaration to make war on his own terms, while the pope defrayed its expenses. The next cause assigned by his imperial and royal majesty is, that since the time of Charlemagne, the union of temporal and spiritual power in the hands of the sovereign pontiff, has been a source of perpetual discord, that the sacred pontiffs have but too often profited by the aid of the one to support the pretensions of the other."

Before we can judge of this part with impartiality, we must forget we are Protestants. This comes with a very ill grace from Buonaparte, who was a *professed* Roman Catholic, and who declares one of his causes of confiscation to be, as we have seen, a refusal on the part of the Holy Father to exercise his temporal power, by declaring war against England. We hope it is no want of christian charity to assert that it was not the junction of spiritual and temporal power in the person of the sovereign pontiff that was the cause of Buonaparte's resentment but because the pope would not suffer his discretion in its exercise to be governed by him. Had the pope exercised his temporal power and declared war against England conformably to the requisition of Buonaparte, we are much inclined to believe, that the French emperor would not have discovered that "the union of the temporal and spiritual power had been a source of incessant discord." That a temporal power should exist any where without being controlled by Buonaparte is a phænomenon alarming to him as the prostrate condition of the European continent evinces. It is a point of at least speculative curiosity to ascertain the precise time when Buonaparte discovered that "the union of the spiritual and temporal power had been a source of incessant discord." It surely was not when he made a proposition to the pope that "his majesty insisted on nominating a number of French cardinals sufficient to constitute one third of the sacred college." This was a transaction purely spiritual in which Buonaparte a "temporal" sovereign desired to officiate. The object of Napoleon in this demand is manifested by the following circumstance. "There are seventy cardinals next in dignity to the pope, from whose body the sovereign pontiff is elected. They are appointed by the pope who takes care to have a majority of Italian cardinals that the chair may not be removed from Rome, as it was once to Avignon in France, the then pope being a Frenchman," Buonaparte when he demanded the agency of the spiri-

tual power does not ever appear to have dreamed that there was any incompatibility between that power and a temporal one. He found that temporal power if exerted by the pope in declaring war against England perfectly well comported with the apostolical functions of the sovereign pontiff; but the moment this was denied him, then indeed the junction of the spiritual with the temporal power was inconsistent with the security of the church. That this construction of the motives of Napoleon is not unjust or invidious, is manifest from a principle which his ministers and by his directions strenuously contended for at the court of Rome, "that if the holy father was the sovereign of Rome, he, Buonaparte was the emperor thereof—that the holy father ought to submit to him in temporal, as it was his duty to submit to the pope in spiritual affairs;" that in consequence of the rights of his crown, the pope ought now and forever to make common cause with him and his successors—that he ought always to consider the enemies of France as his own, and that it was incumbent on him to enter into the federative system of Europe.

Notwithstanding the causes of Buonaparte for depriving the pope of all temporal power, are nothing but pretexts; it can hardly be expected that a protestant will extend his sympathy towards his holiness further than for the precedent established by the deed. The event itself has been anxiously looked for, and the volume of inspiration clearly points to the accomplishment of this event.

Buonaparte during his consulship established the Roman catholic religion in France. By a concordat which was drawn up by M. D. Portalis, and to which the pope assented; he restricted the exercise of the papal prerogative to certain precise bounds and participated in the power of the pope in the government of the catholic church. This drew all the prejudices of the Roman catholics in favour of his usurpation. As his authority has now become more confirmed and consolidated, his jealousy is alarmed at the mere image of another sovereign that affects to be independent of his, and he reduces this nominal prerogative at once. The French monarch in this differs from other sovereigns whose policy consists in veiling their power and governing by the means of subordinate agents: while he is equally anxious that in every movement of the vast political machine should be discovered the nervous arm of Buonaparte.

The fate of Gustavus, the pope's confederate in misfortune, is calculated to excite more sympathy and compassion. The offence which Gustavus committed was a refusal to abide by the continental system of excluding English manufactures from his ports, that has been adopted by Buonaparte. This has been found by fair experiment to be as oppressive to continental Europe as it has been to England, and answers but little other purpose than to legalize smuggling, and renders criminal every species of fair, open and honourable traffic. The French emperor as the controversy was not at this period ripe for his immediate agency, and arrived at that state of maturity where his immediate interposition would decide the issue, contents himself for the present with playing off his two counters, the king of Prussia and the emperor of Russia, in opposition to Gus-

tavus. The king of Prussia in his manifesto makes it known, "that having been solicited (he might with more propriety have said commanded) by the imperial courts of Paris and St. Petersburg, consistently with the system of the other powers of the continent, and the declaration against England to extend the same measures against Sweden which had been taken against England, he interdicts all intercourse with that power." The emperor of Russia, a more powerful monarch, does not with such unblushing self abasement, acknowledge in the front of his hostility the power by whose agency he is moved. He resorts to the affair of Copenhagen to vindicate his offensive measures, and cites a refusal on the part of the Swedish monarch to join him in excluding the English commerce from the Baltic, as the ground of his complaint. Alexander accompanied this denunciation by an act of hostility, and occupied Finland with his troops. The assistance that England was capable of affording, was not sufficient to counterpoise the crushing weight of Alexander's hostility. Finland was finally annexed to the Russian empire. While the royal satellites of Buonaparte were employed in obedience to his mandates without, he was exerting his influence likewise in the heart of the Swedish empire. The duke of Sudermania, the uncle to his majesty, put himself at the head of the party who advocated the interests of France, and condemned the measures of the court. Unsuccessful warfare is always attended with a loss of popularity to the party that instigated the war. The duke easily obtained the confidence of those who thought that a war carried on with such fearful odds, ensured inevitable disgrace and defeat. Taking advantage of the recent date of Swedish misfortunes, he became popular at very little hazard. He does not hesitate to acknowledge that "a considerable part of the western army of Sweden, formed the resolution to march towards the capital with a patriotic view;"—that similar movements took place amongst the rest of the Swedish troops, and at that critical moment he censures his sovereign for abandoning the capital of his kingdom. In this situation of affairs, no other alternative remained, according to the duke's representation of the case, than to seize the person of the sovereign, and to confide the government to him. He for the present time modestly styles himself the regent of the kingdom, and to gild over this act of usurpation and treason, issues his orders to assemble the Swedish diet to ascertain what measures shall be adopted in this urgency of public affairs. The diet was ordered to assemble on the first day of May, 1809. Accordingly, at the time specified the diet convene, well prepared and disciplined to act their appointed part. The royal abdication was read, in which it was stated that the heart and tongue of Gustavus assented to the deed. The duke of Sudermania, in the character of regent, promised to administer the public concerns until a new constitution was drawn up and submitted to the diet for their approbation. This was finally done, in which the duke was recognized as king of Sweden, and the subjects absolved from all allegiance to Gustavus and his heirs. With becoming resignation he now condescends to quit that retirement to which his soul was tenderly

attached, and in obedience to the affectionate loyalty of his subjects, and for their welfare alone, to accept the regal crown. "It is far more gratifying to his feelings," continues the duke, "to have been called upon by the free and uncontrolled voice of the people to become their king, their protector and defender, than if he had ascended the ancient Swedish throne merely by the right of hereditary succession." The duke of Sudermania declares that the resignation of Gustavus was a voluntary one, and the diet reiterate the assertion. This voluntary surrender of the throne will be best exemplified by the instrument of abdication itself.

"IN THE NAME OF THE HOLY TRINITY.

"We Gustaf Adolpf, by the Grace of God, king of the Swedes, &c. make hereby known, That since we seventeen years ago were declared king, and inherited with a bleeding heart an illustrious and beloved father's bleeding throne, it has been our constant wish and desire to promote the true honour and prosperity of this old kingdom inseparably connected with the real welfare and honour of a free and loyal people. But since we are now fully persuaded that we can no longer execute our royal office in an honourable manner, both for us and for our subjects to maintain order, advance peace and happiness in the kingdom, we have judged it our sacred duty, and *of our free will* by the present instrument, to resign all our royal functions, in order to spend the remainder of our days to the honour of God. We wish all our loyal subjects grace and blessings from the Most High, and a more prosperous futurity for themselves and their posterity. Yes, fear the Lord and honour your king.

"In testimony whereof, &c.

"GUSTAF ADOLPF."

Gripsholm Palace, March 29, 1809.

In ordinary times, a perusal of an instrument of this nature, would sufficiently belie the declaration on the face of it, that the resignation was freely and voluntarily made. That more is meant than meets the ear, is proved by the agitated state of the mind discernible in every line. It is dated at Gripsholm, where Gustavus was then immured in confinement. When it is confessed by the duke of Sudermania himself in his vindication of his motives, that the Swedish troops were on their march towards the capital of the kingdom, that Gustavus attempted to escape, and that his royal person was arrested and confined, an end is put to all controversy about the voluntary surrender of the crown.

Of the deposition of Gustavus and the Pope, Napoleon thus speaks in his address to the legislative body, on the third day of December, 1809: "Sweden has lost by her alliance with England the finest and most important of her provinces. Happy would it have been for that nation, if the wise prince that governs her now had ascended the throne sooner. This example proves anew to kings, that the alliance of England is the surest presage of ruin."

“History pointed out to me the conduct I ought to pursue towards Rome : the popes become sovereigns of part of Italy, have constantly shewn themselves enemies of every preponderating power in the peninsula : they have employed their spiritual power to injure it. It was then demonstrated to me, that the spiritual influence exercised in my states by a foreign sovereign, was contrary to the independence of France, to the dignity and safety of my throne. However, as I acknowledge the necessity of the spiritual influence of the descendants of the first of the pastors, I could not conciliate these grand interests but by annulling the donative of the French emperors, my predecessors, and by uniting the Roman states to France.”

CHAPTER III.

AT a time when the power of Buonaparte was, as we have seen so confirmed on the European continent, little hope was entertained of any nation, and least of all of Germany, rising to resistance. Long and protracted opposition had squandered the treasures, lavished the blood, and dismembered the empire. In addition to these obstacles, Germany had to encounter others, arising from the peculiar nature and organization of the government itself, and productive of consequences far more dangerous and alarming.

The government of Germany was once composed of a number of petty princes, each arbitrary in his own domains, under the control of one great federative head called the emperor. His power was more executive than dictatorial, the supreme government being lodged in a diet composed of the emperor and the three colleges of his empire. The monarchy was not hereditary but elective. There were ten electors of whom the king of Great Britain was one, by whom the emperor was chosen. This body was termed the electoral college. The next, denominated the college of princes was divided into two classes, the first consisted of the princes, dukes, &c. of the empire, and each was personally entitled to a vote. The next class consisted of the counts and lords of the realm who were arranged in four colleges, and each *college* was entitled to but one vote. The third was called the college of imperial cities consisting of deputies from several towns, and from those cities denominated imperial. This strange and incongruous mass formed the diet, or in other words, the supreme power of Germany, and inherited the seeds of its own dissolution. These petty sovereigns absolute in their respective districts and each forming a part of the diet, felt the lust of power, and may well be supposed to have rendered reluctant homage to their head. His grandeur was a perpetual memorandum of their insignificance, and whatever derogated from his glory was conceived by these sovereigns to have added so much to their stock of dignity. Of these little despots no less than three hundred in the shape of princes, dukes, margraves, landgraves, counts, &c. &c. &c. parcelled out the empire of Germany. When hostilities commenced with Germany, the most formidable enemy was in the heart of the country. Buonaparte did not fail to improve these materials of annoyance. By promises of conferring crowns where the constitution of Germany admitted only of coronets, he bound these potentates to him by an invincible attachment. By annexing one trifling domain to the territories of another, he constructed a species of monarchy, and enrolled these pigmies in the catalogue of prin-

ces and emperors. This is what is termed the confederation of the Rhine.

The object of such confederation was that these states should forever be detached from the Germanic body, forming amongst themselves distinct and independent sovereignties. As Austria was too powerful for these states to contend with, nothing was more natural than that their independence should be guaranteed by France, and that the French monarch should become the protector of such confederation. The emperor Francis solemnly renounced his right of sovereignty to these states, and Buonaparte under the title of protector assumed that prerogative. In the official notice of this event to the German diet, the French minister observes, that "for a long time successive changes which had gone on, augmenting from age to age had reduced the Germanic constitution *to be only a shadow of itself.*" Without enquiring how a thing can be at one and the same time both substance and shadow, the fact that the Germanic constitution had undergone great changes was indisputably correct. Francis in the event of a war was thus beset by his former provinces, whose sovereigns were jealous of their newly acquired dignity, and disposed to maintain it at every hazard. There was the further danger that more of his remaining provinces in case fortune was unfavourable, would follow the same example. A contest with France while armed with such powerful means of offence, might sow new seeds of contention, and hazard the tranquillity of Austria for centuries to come. New diadems and coronets were ready to arise from the scene of confusion, and to glitter with hostile rays upon the crown. Such obstacles environed Austria; but the distant prospect did not seem so alarming. Spain had astonished all Europe and the world, by the desperate exertions she was making in defence of her captive monarch.

The example was then recent, Europe had not recovered from her indignation at the deed which Buonaparte had perpetrated at Bayonne. It was important to make one bold effort before the minds of men became familiar with, and of course in a measure reconciled to such enormity. The confederated powers of the Rhine had felt how little desirable sovereignty was under the French monarch's guarantee, and that his iron crown was emblematic alike of his monarchy and protectorate. A point yet remained to be ascertained by fair experiment, whether the people of those provinces would not prefer the ancient dominion of the emperor to the tyranny of their new protector, whether it was in the power of their new sovereigns to rely for support in their new establishment on the loyalty of their subjects. It remained to be decided, whether this very confederacy that crippled the energies of Austria, was not so far as regarded the subject, more a confederacy of fear than of choice, formidable indeed to the eye, but not so terrible to the touch. It remained to be decided in fine, whether an example like that of Spain might not excite that spirit of ancient loyalty which before the confederation had always been attended with glory, and sometimes with victo-

ry in the respective contests between Germany and France. At all events Buonaparte's attention and exertion would now be divided, and it was prudent to attempt something before the entire subjugation of the Spaniards enabled him to turn all his strength another way.

The attack made by France on the papal territories might be well expected to alarm the whole body of the Roman Catholics who favoured the cause of the Napoleon dynasty. The sovereign pontiff it is true was no longer formidable, but he at least had a show of independence. He was the ostensible sovereign still of large provinces, until he was formally dispossessed of them by Buonaparte, and reduced to the rank of other pensioners on his bounty. The bull of excommunication that was issued must have alarmed the superstitious prejudices of those who believe that the sovereign pontiff shares with the Deity one of his especial attributes, infallibility. The influence of this class of men in the French empire is considerable, and the danger to be apprehended from its efforts, is in exact proportion to the desperation of their cause.—Without such assistance Austria had a right to anticipate from England in requital for her former faithful services, the succour of her navy. That powerful nation separated from the continent was watching its various vicissitudes, disposed to second every exertion, and with peculiar cordiality, the exertions of Austria. For some mysterious purpose troops were collected on the frontiers of Austria, and ominous appearances began to gather on her borders. Whether any or all of these motives influenced the cabinet of Vienna cannot be known, but certain it is that vast preparations were making for war. Early in April 1809, armies were raised, conscriptions resorted to and a levy in mass seemed contemplated by the government. The French minister for foreign affairs then at Bayonne, affects much astonishment at these menacing appearances, and enquires of the German minister at Paris, the cause of such a spectacle. He assures him that there is now a state of profound peace between the two countries, that nothing is further from the mind of the French emperor than hostility towards Austria, for whose sovereign he entertains every species of friendship and respect. The German minister is further reminded of the wishes of the French emperor for peace with all his neighbours, of which he had often given such strong and incontestible proofs. He is furthermore given to understand that if the German emperor does wish for war, Napoleon must to preserve unimpaired the sanctity of his treaties, the integrity of his own dominions and those of his allies however reluctantly, abandon those hopes of peace, which he had so long flattered himself with the hopes of enjoying.

Amidst all this gentleness of demeanour there is a forewarning threat that if Napoleon is once awakened from his Arcadian dreams, Austria will have ample occasion to rue the result. Achilles while in the attire of a woman, and more gentle to appearance than all the daughters of Lycomedes still knew the form and shape of a dagger, and grasped with extacy the one presented by Ulysses.

The French minister goes on in the same sweet and pastoral strain to warn his comrade of the miseries of war. Germany must lay all these multiplied evils to her own account, if she will provoke what Napoleon so heartily detests, and compel him to exchange his sylvan crook for a sword. The German minister with the same success, plies his oaten reed, and assures the diplomatic Shepherd that nothing is more desired by the emperor of Germany than peace; that while all his neighbours are arming surely there can be no offence if Austria amuses herself in such gentle past-time and recreation likewise—that the friendship between the nations they both represent is alike ardent, and their endearments alike reciprocal—that all desire or expectation of hostility is equally remote from both cabinets, and we are much inclined to believe that the reader notwithstanding this Ampean eclogue of diplomacy will be of the same opinion. “*Paulo majora cantamus.*” This ministerial farce and mummery it is necessary to state, are always the preludes to a bloody encounter; it is not an overture of conciliation nor intended as such; but designed amongst ministers as a trial of skill between them, which is able to construct the most plausible pretext to deluge both countries in blood. He who succeeds in such an artifice, is sure to draw to his aid the greatest number of proselytes. War unless it is popular is a dangerous game for monarchs to play. No artifice however mean, is left unemployed to win the affections of a people, and by so doing to amass a greater degree of physical force. Though foreign from the subject under consideration, the remark may still be admissible that the greatest warriors are always surrounded by the greatest diplomatists. No nation in the world rivals the French in diplomacy, and no warrior in the world rivals Buonaparte. No doubt he would not at that precise moment of time have courted a contest with Austria, and for obvious reasons, Spain had hitherto resisted his utmost efforts for subjugation, and knowing by experience the valour of the German troops, he would be wary of encountering both kingdoms at once. It is on the same principle evident, that Germany embraced that crisis as the most auspicious one to ensure success in the enterprise in which she was about to engage. Buonaparte now exercised an authority conferred on him by the thirty-sixth article in the confederation of the Rhine, and which of itself was an entire abandonment of all effective sovereignty on the part of the other contracting powers, “that an armament shall only take place upon the summons of the emperor as protector to each of the contracting parties.”

He accordingly issues his proclamation requiring each of those independent sovereigns to hold himself and his subjects in a state of requisition.—Germany is represented to have abused the faith of treaties, to have refused to listen to all pacific overtures, is taxed with the most shameful perjury, perfidy and ingratitude, goaded on by the English, those eternal enemies to the peace and quietude of the continent. Nay the gold of this bankrupt nation has bribed, if Buonaparte's word is conclusive evidence, Austria to resistance. The

Independent sovereigns of the Rhine have now learnt accurately their several causes of complaint, and the reasons which emboldened them to shed the blood of their subjects. Obedient to their commands, they issue their minor proclamations, taking Buonaparte's as a model, and transcribe their grievances from it with very little difference of phraseology.

The emperor of Germany likewise issues his proclamation to the former subordinate provinces of his empire, reminds them of the various aggressions of the French court, their insecurity and danger while their independence is so guaranteed, recites their many grievances, implores them to forsake the degrading confederacy, and to return to the protection of Vienna. The archduke Charles informs those confederates that his brother has resorted to arms as much for their security as his own—assures them that he will do now as he had formerly done, lead them to glory. This was not attended with the anticipated success.

The next desirable object in Buonaparte's policy was to embroil Russia in the controversy. Considering the power of Alexander and his remote station from the immediate influence of France, he managed with a careful and scrupulous delicacy. A pretext was wanting to compel Russia to take an active part in the controversy, which was speedily found and adopted. Alexander flattered with the idea of being a mediator between such formidable parties, readily assumed upon himself that office. He offered his services to guarantee Austria against the encroachments of France. Napoleon to make the pretext more plausible, offered to guarantee Austria against the encroachments of Russia, and lest either France or Russia should violate the territories of each other, they both proposed to accept of Austria's guarantee. This triangular proposition plausible, but inefficient, as it was plausible, was as might have been expected rejected by Austria. If Alexander invaded Germany, feeble indeed must have been all reliance on the guarantee of Buonaparte, who had already rifled from Austria all those provinces included in the confederacy of the Rhine. While one object of the war was to reclaim those provinces, it would have been a singular and original stroke of policy to have accepted of the very person who had those provinces under his control, and whom Austria was about fighting, to recover as a guarantee for the integrity of those that remained. If Buonaparte should invade the German territories, what security could be hoped for from the interference of Alexander. He had once attempted to be not the emancipator of Austria only, but of all Europe besides, from the dominion of Buonaparte and finally was glad to place himself in a similar predicament with the other monarchs of Europe, whose servitude he came to relieve. In the battle of Austerlitz, the gallantry of the Russian monarch did not serve to abate suspicions of this nature. If Alexander or Buonaparte should violate the territories of either, Austria diminished as she was by the successes of the latter, could offer but a very inadequate guarantee. Those two monarchs in such an event, would have felt no difficulty in renouncing all hostilities with each other, and sharing the terri-

tories of their guarantee equally between them. It has been already observed that this proposition was rejected, which furnished Alexander with a decent pretext to advocate the controversy on the side of France. He now lamented the depravity of Austrian faith, her disregard of treaties and that himself was compelled to appeal to arms in the cause of his illustrious ally. Alexander by his actions, did not appear to enter into this war with all the alacrity which his proclamation imported.

The French bulletins make rare mention of him during the commencement of hostilities, and only speak of the great assistance shortly to be expected from Russia. The Russian general moved to the scene of action with a cautious, demure and reluctant step. He hung upon the frontiers of Germany, repressed insurrection in that quarter although he arrived in season to participate in the honours of the victory, and in the division of the spoil. The French emperor knew too well the delicacy of the moment to wait for the approaches of his tardy, timid and hesitating ally. It was his object to strike a singular and decisive blow in the outset. This would confirm the wavering, overawe the timid, and deter the resolute. The result of the German proclamations could not be distinctly foreseen, and the revolt of Tyrol under the guidance of the enterprising Schill was justly a subject of alarm.

Vienna was the point against which Buonaparte's hostility was directed ; he conjectured that when he was once in possession of the capital, the object of his expedition was accomplished, and his victory secure. Accordingly many of his proclamations exultingly declare, that his imperial standard shall shortly wave on the walls of subjugated Vienna. All his generals entertained the same sentiments, for on the twenty-fourth day of April 1809, and before the arrival of the emperor on the theatre of action, the disposition of their forces warrants this conclusion.

The head quarters were at that time at Stratsburg on the west of the Rhine. The duke of Auerstadt (Davoust) occupied the town of Ratisbon far in the interior of Germany, and situated on the borders of the Danube. The duke of Rivoli (Massena) held possession of Ulm an important fortress, and formerly the theatre of Germany's disgrace. General Oudinot occupied Augsburg and thus held a middle space between the dukes of Rivoli and Auerstadt. The confederate Bavarian divisions under the command of the duke of Dantzic were thus posted : The first division headed by the prince royal was at Munich : the second by general De Ray was at Landshut, and the third by general Wrede was at Straubing. Landshut and Straubing formed intermediate stages between Munich and Ratisbon, by which a chain of communication was kept up, so that the several divisions might advance, if a prospect presented of striking an effectual blow, or retire and condense if threatened, by superiority of numbers. The Saxon troops encamped under the walls of Dresden, and a body commanded by prince Poniatowski was stationed at Warsaw. Hostilities now commenced.

A body of Austrian troops invaded Passau a town situated on the junction of the Inn with the Danube, and another body of Austrians invested Kuffstein in both of which places Bavarians were posted who shut themselves up and declined an engagement. After some unimportant skirmishes changes of position marches and counter-marches the Austrian army advanced from the Inn to the Iser. The French emperor having received information that the Austrians had past the Inn, made all possible haste, repaired from Paris to the theatre of action and established his head quarters at Donawerth. The duke of Auerstadt arriving at the village of Peissing fell in with a party of Austrians and immediately gave them battle. The result was that the French arms were crowned with success and the enemy suffered considerable loss, general Morand who supported the duke of Auerstadt met an Austrian division which he attacked in the van, and the duke of Dantzic with a corps of Bavarian troops from Abensberg attacked them in the rear. The division was routed from all its positions and several hundred were left dead on the field of battle. At the close of the day the duke of Dantzic formed a junction with the duke of Auerstadt. The French emperor having resolved to attack the corps of the arch-duke Lewis went to Abensberg, accompanied by the division of Morand under the command of the duke of Montebello.

To inspire his confederates with more confidence, he placed himself at the head of the Bavarians and Wirtembergers. Having collected them together, he told the Bavarians it was their independence which the Austrians aimed to destroy; that for centuries together the Bavarian colours had been displayed against the house of Austria, and that now he was resolved to make them invincible. He stimulated the pride of the Wirtembergers, by informing them of their former victories over their present enemies, while they served in the Prussian war, and told them that the moment had at length arrived when they should carry the war into the territories of their enemies. He then ordered the signal of battle to be given. The Austrians were attacked in various points by the confederate troops, and were unable to stand the shock.

The presence of the protector of the Rhine seemed of itself to assure a glorious termination of the day, and that assurance accomplished it. The Austrians disconcerted by the impetuosity of the charge beat an expeditious retreat. This victory uncovered the flank of the Austrian army, and the French emperor improved it by marching on the next day to repossess himself of Landshut, which the Bavarian corps under the command of general De Ray was compelled previously to abandon on the approach of the enemy. The duke of Istria charged and overthrew the Austrian cavalry stationed before the city.

Mouton a general of division commanded his grenadiers with fixed bayonets to pass a bridge built over the river Iser, but the enemy succeeded in burning it. The infantry notwithstanding passed the river, and penetrated into Landshut. The Austrians being suddenly driven from their position were furiously attacked by the duke of

Rivoli. Landshut fell with its military stores consisting of a variety of valuable articles into the hands of the victorious French.

While fortune thus far favoured the personal attendance of Buonaparte, the arch-duke Charles was likewise successful in an attack which he made upon the city of Ratisbon. The strength of the garrison and of the besieging army is not known, the information being derived only through French channels, and much impartiality surely is not to be expected from accounts written on the scene of action, where a complete exposure of facts would damp the spirit of the army, and render the issue of the campaign more uncertain. To return to Buonaparte: After the battle of Landshut, he marched direct for Eckmuhl—with two divisions of the duke of Montebello, the corps of the duke of Rivoli and a part of the confederate army, called the two divisions of the cuirassiers of Nausoutz and St. Sulpice, with a detachment from Wirtemberg. Here the arch-duke Charles was posted, and this was the first meeting of these two formidable heroes who seem to bear about in their own persons the destinies of the continent.

The Duke of Montebello in conjunction with the division of Gudin dislodged the left wing of the Austrians, at the first signal of battle the dukes of Auerstadt and Dantzic, and the Austrian light horse of general Montbrun met together. The battle in a moment became general, and after an obstinate conflict the Austrians were driven from all their stations—those that sought shelter in the woods before Ratisbon were compelled to fly into the open plains where they were destroyed by the French cavalry. A numerous body of Austrian cavalry were enabled to cover the retreat towards Ratisbon. Night came on and brought a short suspension of hostilities equally necessary to the victors and to the vanquished. At the dawn of day preparations were immediately made for the storming of Ratisbon. The Austrian cavalry endeavoured to cover the city, made three different attacks and all unsuccessful. They were compelled sword in hand to pass the Danube, the city thus uncovered and surrounded by a bad ditch and a worse counterscarp was exposed to a battery of twelve pieces of cannon. A breach was soon made through which a battalion entered, and possession was thus taken of the city. All that resisted were put to the sword. After this battle, the French emperor ordered the corps of the marshal duke of Rivoli to pass from Ratisbon to Straubing, and from thence to Passau, which was accordingly done.

The marshal duke of Montebello, was ordered to march with his troops from Ratisbon to the head quarters of the French emperor. The duke of Auerstadt went on the side of Ratisbon in pursuit of the arch-duke Charles, who having his communication cut off with the river Inn and Vienna, sought shelter amongst the mountains of Bohemia.

Buonaparte in consequence of the almost unparalleled sufferings of the city of Ratisbon in the cause of the confederation *generously promised* that the damages which the inhabitants had sustained should be defrayed at his own expense. This intelligence was bla-

zoned forth in his bulletins directly after the action; and the policy of such a promise amongst such confederates, at such a moment cannot surely be doubted, whatever speculative opinions may be entertained as to the probability of its accomplishment. The French general Wrede about three leagues from the town of Salzburg encountered a part of the advanced posts of the Austrian army. They were pursued by the Bavarians and they entered the town promiscuously together. This town contained considerable magazines and the garrison amounting to about five hundred were made prisoners of war. The duke of Istria penetrated as far as Burghausen, and his advanced corps took possession of the right banks of the river Inn, where the duke of Montebello arrived on the same day. The bridge having been destroyed by the enemy, was rebuilt and the whole army was enabled to pass over. The bishop and the principal public functionaries at Salzburg whose confederate loyalty was kindled by the approach of the army of general Wrede, repaired to Burghausen to implore the clemency of Buonaparte, and to assure his imperial and royal majesty that they should never again come under the dominion of Austria. The French emperor's head quarters were removed to Reid, general Oudinot took prisoners about one thousand men between that place and the town of Althare. Shortly after general Oudinot advanced beyond the town of Reid, and in several skirmishes with the Austrians took many prisoners. The bridge of Lambach on the river Traun was destroyed by the Austrians in their flight, on the same day it was rebuilt by the French. The duke of Istria commanding the cavalry and the duke of Montebello with the corps of general Oudinot entered the town of Wells, where military stores, magazines and provisions were found. The duke of Dantzic having recently arrived at Salzburg commanded one division to march for Kufstein and another for Radstadt. The duke of Rivoli continued his march and arrived at Linz. Here he found the Austrian arch-duke Lewis and general Hiller strongly reinforced with all the aid that the country could afford them before the river Traun. Fearful of being turned by the duke of Montebello, the Austrians proceeded to Ebersberg to secure the passage of the river. The duke of Istria and general Oudinot finally effected a junction with the duke of Rivoli at Ebersberg. The battalions of the Po and the Corsican battalions pursued the retreating Austrians in their passage over the bridge, drove their cannon and military stores into the river. General Claparde with an advanced guard of three battalions followed the Austrians, halted at Ebersberg, and discovered his enemy advantageously posted. The duke of Istria with his cavalry passed the bridge to support Claparde. The army of prince Lewis and general Hiller appeared now to be in a perilous predicament when they adopted the desperate resolution of setting fire to the town. The houses being built of wood, the flames instantly spread every way, the bridge was enveloped in the blaze and neither cavalry nor infantry were able to act. General Claparde and the duke of Istria were thus left unsupported until the flames were turned aside from the bridge and a passage open-

ed. General Legrand with a body of light infantry and some reinforcements marched direct to the castle which was occupied by eight hundred men. The doors were broke open—the flames reached the castle, and the garrison miserably perished. General Legrand reinforced by general Durosnel with one thousand horse, after the catastrophe of the castle, marched to the support of Claparde and the Austrians fled with precipitation.

At night they reached the town of Ens, burnt the bridge and continued their flight in the road leading to Vienna.

The bridge which the Austrians in their flight had destroyed, having been rebuilt, the duke of Montebello crossed the Ens, and arrived at Amstetten, where he met the advanced guard of the Austrians. Colbert, a general of brigade caused the regiment of horse chasseurs to make a vigorous charge upon the enemy, which he did, and five hundred prisoners were the result of this engagement. At length the French emperor having concentrated the various detachments of his army, appeared with this formidable force before the gates of Vienna. What may be regarded as worthy of notice precisely one month from the time that the Austrians passed the river Inn, the metropolis of Germany was awaiting its destiny from the hands of Buonaparte.

It may not be amiss to turn our eyes a few moments from the spectacle of bloodshed and conflagration, to consider the situation of this metropolis. Vienna is one of the most noble and ancient cities in Europe. Its population inclusive of the suburbs, is supposed to amount to two hundred and thirty-one thousand one hundred and five souls. The inhabitants have been long remarkable for hilarity and mirth, and if the accounts of travellers are correct, it may be styled without any force of expression, the metropolis of good humour. The love of pleasure and groveling enjoyment pervade principally the middle and lower classes, but they are no less distinguished for their generous loyalty to the house of Lorraine, and their ready obedience to the mandates of the government. The females surpass the men in elegant manners and fascinations of address. Their minds are well cultivated and they peculiarly excel in music, which is the favourite amusement of both sexes.

The luxury of the city is represented to be great, though not equal to that of London or Paris.* Amongst the lowest class of the community, there are few whose circumstances are actually wretched. Those dreadful spectacles of human misery that infest the other great cities of Europe are rarely to be found in the streets of Vienna. This distinction so honourable to Germany is supposed to result from the opulence of the middle class, and combined with the luxury of the highest.

The amusements differ but little from those of the other great capitals of Europe. There are two magnificent theatres in the capital, and several smaller ones in the suburbs. The imperial gardens are peculiarly worthy of notice. The rarest shrubs and the most exotic plants flourish here in all their native flower and luxuriance. Rare and beautiful birds are to be seen flying at full liberty, and re-

galing themselves on those very flowers, with which their native country abounds. The public are admitted freely to contemplate this specimen of royal munificence. Their penal code is singularly humane. In Vienna a public execution is a spectacle extremely rare. The punishment of death is abolished in all cases, except in murder or treason of the highest class. A traveller reports, that since the accession of the present emperor to the throne, not one criminal has suffered capital punishment. The churches are large, and magnificent buildings ornamented within, in a superb and sumptuous manner.

The duke of Montebello summoned the city to surrender, which was indignantly rejected by the arch-duke Maximilian, a young duke the brother of the empress, who in the absence of the emperor, had assumed the government of Vienna. This metropolis was once well calculated to sustain a vigorous siege, and even now the bastions, redoubts, and counterscarps, by which it was surrounded, presented to the eye an impregnable appearance.

The character of the inhabitants however was not a martial one. "Palaces were built in the ramparts, the casemates and ditches were covered with workshops, plantations marked the counterscarps and avenues of trees traversed the glacis."

The French emperor already in possession of the suburbs, caused a deputation to wait on the arch-duke Maximilian, and to inform him that if he continued his fire, that he endangered not so much the French as his own subjects. This was answered by a redoubled fire from the ramparts. Buonaparte then in conjunction with the duke of Rivoli, proceeded to the arm of the Danube, which separates the fashionable promenade of Austria, and ordered two companies to occupy a pavilion on the left bank to cover the raising of the bridge. This was occupied, and the materials of the bridge collected. The Danube was past, and a battery raised, which at one hundred fathoms from the place began the bombardment. The whole city now appeared to be one undistinguished mass of flame.

The reader must bear in mind, that the streets are extremely narrow, and the houses nine stories in height, if he would form some faint conception of this awful conflagration. The arch-duke Maximilian ordered two battalions to march in close columns, and attempt to dislodge the French from the two pavilions that covered the raising of the bridge. These were warmly received by a discharge from musquetry, and from thirteen pieces of artillery that destroyed one part of the column, and compelled the remainder to fly in disorder. This attempt proving so unsuccessful, a deputation waited on the French emperor proposing terms of capitulation. His majesty graciously received them—the terms were agreed on; the garrison, marched out with the usual honours of war, and Vienna submitted to her conqueror. From the triumphant style of Buonaparte's proclamation on his entry into the city, as well as from the whole of his previous conduct, it is fair to conclude, that he deemed all effective hostility on the part of Austria now at an end. Indeed from the hitherto splendid career of his campaign, from the

depression it would naturally excite in the vanquished this inference was almost inevitable. It was the general opinion prevalent in Europe that with Vienna would be subjugated the daring intrepidity of the Austrians. Speculations so finely spun often serve to shew how futile they are when, as in the present instance, they pretend to dictate to fact.

The event will at least serve to admonish those who are the favourites of fortune how fastidious and capricious in her caresses the object of their idolatry is. Austria dazzled the eyes of Europe and expired in the blaze. The words of Jove when he pronounced the destiny of Hector receive an accomplishment in the instance of Germany little short of prophetic,

“ Yet live, I give thee *one illustrious day,*
One *blaze of glory e'er thou fads't away*”——

After the capture of Vienna the French monarch was labouring to fortify the island of Lobau, (situated in the Danube about six miles below Vienna) and Esling and Aspern two Villages adjacent. This island afforded a central point for the French army to concentrate, and pour forth reinforcements in whatever direction they were wanted.

By the means of bridges thrown across the Danube the army could speedily advance or retreat, under cover of the batteries from the villages annoy their enemies and remain themselves impregnable to attack. The extraordinary activity manifested by the French, in the construction of their bridges and the embarkation of their troops, convinced the arch-duke who beheld the scene from the top of Bisamberg that this was the object of Buonaparte. The arch-duke therefore deemed the possession of those two villages an object of the first consideration, knowing that if this was done, the main body of the army stationed at Lobau, would be rendered inoffensive and impotent. He accordingly suffered the French army to embark for the island without opposition, reserving his hostility against the two villages above-mentioned. He arranged his army in five columns, and began the attack. The first column under general Nordman consisting of two battalions of Guinlay and Lichtensten Hussars attacked the French who were drawn up in large divisions before Aspern, and charged their out-posts with such impetuosity that they retreated to Aspern. By fresh reinforcements the town was recovered by the French; in another onset it was retaken by the Austrians, and in the third again recovered by the French.

The Austrian account states that “ both parties were aware of the necessity of maintaining themselves in Aspern at all events, which produced successively the most obstinate efforts both of attack and defence, the parties engaged each other in every street, in every house, and in every barn; carts, ploughs and harrows were obliged to be removed during an uninterrupted fire in order to get at the enemy. Every individual was an impediment to the assailants and

a rampart of the attacked, the steeple, lofty trees, the garrets, and the cellars were to be conquered before either party could style itself master of the place." The Austrians so far succeeded as to maintain their post in the upper part of Aspern during the night. The second column was composed of four battalions under general Winzenzerode.

This column being repulsed in its first attack upon Aspern, pushed forward to the left of the village to form a junction with the third column then advancing. Another regiment was commanded to take possession of the right of the village, while the left wing of the French army advanced upon them with a brisk cannonade. Another attack upon the village was made, and the Austrians were vigorously repulsed. It was finally carried by storm though defended by twelve thousand of the enemy's best troops, who made a full retreat and possession was thus gained of that important village.—The third column in its advance upon the enemy was opposed by numbers so disproportionate, and with such rapidity of movement, that it was barely enabled to save the artillery from their hands. When summoned to lay down their arms, they answered by such a steady and well directed fire, that the enemy retreated and left them in possession of the field. The fourth column directed its march towards Eslingen and the fifth towards a small adjoining town by the name of Enzerdorf to dislodge the enemy from that place. Enzerdorf having been previously taken possession of by another detachment these two columns united and marched against Eslingen. This village was taken and retaken, but as the French met each new attack with fresh reinforcements, the Austrians were eventually compelled to abandon it at the close of the day and to await under arms the arrival of the morning. By means of fire ships which were sent down the Danube in the night by order of the arch-duke the bridge on the island of Lobau was destroyed. On the succeeding morn (May 22d, 1809) the French made another attempt for the recovery of Aspern, and compelled the Austrian general Varquant to abandon it—general Varquant by a reinforcement drove back the enemy's choicest troops, and engaged in a new contest in the midst of a conflagration—until he was once more compelled to retreat. He was at length enabled to maintain his position at the entrance of the village against troops that fought with the resolution of despair.

Count Bellegarde having received information from general Varquant, that the enemy were assembling before Aspern ostensibly for the purpose of throwing in fresh reinforcements, was about moving to his assistance when he discovered his enemy advancing to attack him in an open plain. The Austrians exhausted by the incessant fire kept up during the night, retreated, when major general Hiller advanced with his corps to their assistance, took possession of the town and prevented all further attempts for its recovery.—

The next object of assault was the village of Eslingen. Prince Litchtensten attacked the French army in front which was covered by a prodigious quantity of artillery. Upwards of two hundred pieces of cannon were engaged on both sides. Napoleon rode

through the ranks of his army, acquainted them with the destruction of the bridge—informed them that he had himself ordered it to be broken down, as he intended no alternative but victory or death. In the hottest of the engagement, the arch-duke Charles seized the standard of a battalion, and advanced to the enemy; the battalion which had begun to give way, now rallied again, inspired with new confidence, by the heroic ardour of their chief. The prince of Hohenzollern, observing on the left wing of the French, near Eslingen a chasm, made a furious charge thither, but the fire from the village was so destructive, that he was barely enabled to maintain his ground.

Five different assaults were made upon the village; “five times did the Austrian troops rush up to the very walls of the houses burning internally, and some of the grenadiers thrust their bayonets in the enemy’s loop holes,” and still were unsuccessful in every attack. Prince Rosenberg in the mean time, having resolved on an attack upon Eslingen, encountered a part of the French army, which was then advancing between the village and the nearest arm of the Danube. The French favoured by a fog, attacked part of the corps formed by Staszay’s and Hiller’s regiments of infantry. Five times were these attacks made, and five times as resolutely repelled with the bayonet. The prince, in pursuance of an order received from the arch-duke, made another attack upon the village, and even penetrated to the centre of it; but still found it impossible to withstand the reinforcements perpetually thrown in. He however preserved his former station, and encreased the embarrassment of the enemy, by an incessant fire from all his batteries. On the night of the 23d of May, the French accomplished their retreat to the Island of Lobau, evacuated Eslingen, and all the points which they had occupied on the left bank of the Danube. Thus ended this memorable battle. The reader is desired to turn to the Austrian account, contained in the present volume. The position of the respective armies, the marches and countermarches, the reiterated successes and defeats are in that document luminously displayed. We have a distinct view of the two commanders, the French emperor and the arch-duke, animating their soldiers, the one avaricious of glory, and knowing that all his reputation till now deemed invincible, was dependent on the issue; the other calm and collected, jealous to avenge the multiplied injuries of his native land, and both infusing into their armies a portion of their own unconquerable spirit.

Our public papers have frequently teemed with invectives against the official documents of the French. On an inspection of the two accounts of the last battle, they will not appear very materially to differ.

The French account asserts, “that at the conclusion of the first day of the battle, they remained masters of the field.” The Austrian account only differs from this, in stating that “gen. Varquant succeeded in becoming master of the *upper part of the village*, and in maintaining himself there during the whole of the night. It appears therefore, that neither party completely accomplished their

object, and it is in such cases not at all surprising, that both should claim the honours of the victory. The French account further states, that the disastrous and dubious issue of the engagement, was occasioned by the rising of the Danube, that destroyed the bridge built from the island of Lobau. The Austrian account represents the bridge to have been destroyed by the means of fireships sent down the river in the night, by command of the arch-duke—but this very account particularly admits, that the river was then rising. The French in their detail of the battle of Wagram, fought subsequently to that of Aspern, are betrayed into a confession of the fact, which in their representation of the other battle they laboured to avoid. They declare, that “it seemed more simple to throw some bridges over the Danube, a few leagues lower down, and thus render useless the field of battle prepared by the enemy. But in this latter case, it was not thought practicable to avert *the inconveniences which had already nearly proved fatal to the army, and succeed in the course of two or three days in protecting these new bridges from the machines of the enemy.*” Both accounts therefore agree, that the Danube was on the rise, and the only difference is, that each party represents the disaster to have been occasioned by one of the incidents, only when it was manifestly occasioned by both. The French assert, that at the conclusion of the battle, they were masters of the field; but it is afterwards stated, that the “*emperor ordered the army to pass the little arm, from the left bank of the Danube, and to take a position on the island of Lobau.*” This tallies in substance with the Austrian statement, that represents those “masters of the field,” to have retreated to Lobau, and to have evacuated all the points which he had occupied on the left bank of the Danube, closely pursued by the enemy.” The amount of the loss on either side, it is not so easy to reconcile. The French assert, that they lost eleven hundred men, and that three thousand were wounded.—The Austrians assert, that upwards of seven thousand Frenchmen were buried on the field of battle—that “upwards of five thousand lay wounded in their hospitals—that two thousand and three hundred were taken prisoners, and that innumerable bodies consigned by their comrades to the Danube, had since become visible, and tainted the atmosphere with a pestilence.” With regard to this fact in particular, as well as to the general nature of that kind of evidence, denominated official, we beg leave to be indulged in one remark, viz. that it is evidence of the most questionable kind. The temptation to prevaricate to gloss over some facts by specious appearances, and totally to suppress others, to mangle distort, and misrepresent, is infinitely stronger in official than in unofficial representations of a battle. A commander is nothing, unless he can inspire his soldiers with a confidence of victory. His recital of all his engagements tends to this object. A cool and impartial narration of facts, if the issue of the battle is unfortunate, would serve to damp the ardour of his troops in the next, and to diminish that confidence in themselves, and which has, peculiarly amongst the French been a sure presage of victory.

Hence the French narrations are always tinged with Buonaparte's invincibility, he is represented to controul destiny, and his presence to confer a preternatural assurance of success. This has been one of the means that has rendered victory so familiar with his standard, and we cannot surely expect him to abandon hyperbole, when he finds in its indulgence such solid advantages.

The French emperor having at length accomplished what he found by experiment so difficult, the building of the bridges from the island of Lobau, it was now his determination to concentrate his forces there, and to bring on a general engagement. The Austrian army was strongly reinforced by levies from Moravia and Hungary, by requisitions made in all the circles of Germany, by large draughts of artillery and immense levies of horses and carriages from Moravia, Hungary and Bohemia. They occupied strong military works protected by the village of Gros-Aspern on the right, and by Enzerdorf on the left. The intervals were covered by redoubts, pallisades, freizes, and defended by upwards of an hundred pieces of battering cannon. It was the policy of the French emperor to impress on the minds of his enemies a belief that it was his determination to attack them in their strong intrenchments, to conceal from their view his real object. He caused the island of Lobau to be strongly fortified, and another island which had recently been named Montebello in honour of the deceased duke, and bearing upon Enzerdorf was seized by Buonaparte, and fortified. He took possession of another island called Espagne, and erected a battery between that island and the island of Montebello bearing likewise on the village of Enzerdorf. Several other islands in the vicinity of the villages were thus taken possession of and fortified. The enemy commenced their fire on the works from the village of Essling; this was the signal that the arch-duke had fallen into the snare that was laid for his feet. His attention was drawn to this point, and the French emperor was thus favoured with an opportunity of carrying into effect the plan which he had resolved on, unsuspected by his enemies. Bridges were speedily erected; the French army availing themselves of the darkness of the night, and of the rain that fell in torrents, passed over unmolested and unsuspected, fifteen hundred toises below Enzerdorf. The light of the succeeding morning apprized the Austrians of the real project of the French emperor now accomplished, viz. that all their works which had cost them so much labour in the erection and which they deemed impregnable from the apparent posture of the attack now availed them nothing. Their batteries were to use a military phrase *turned* or more perspicuously they were brought to bear on a point against which no attack was really intended; while the real point of attack was left open and unprotected, exposed to all the fire of the enemy. The issue of this *feint* was that the Austrians were compelled to abandon their entrenchments after a slight opposition and to give their enemies battle on their own terms, and on a spot favourable to them. The village of Enzerdorf rendered by this manouvre incapable of returning the French fire with equal advantage, did not long sustain the vigour of

the assault, but surrendered after having been evacuated by the Austrians. The French Emperor having succeeded in drawing his enemy from their entrenchments, both parties prepared for battle. In the disposition of the armies there was a wide and material difference in the conduct of the two commanders. Buonaparte accumulated his forces in the centre; and the arch-duke weakened his centre for the further extension of his wings. It appears then that the Austrians committed a fatal fault in their preparations for battle. It is of the utmost importance to preserve the centre strong and entire. If the wings are overpowered by superior numbers or discipline, still an hope remains that the fortune of the day may be retrieved, if the centre remains unbroken. There is then a rallying point, and it is a point which Buonaparte labours most assiduously to preserve in his own army, and it is a point in his enemy's against which he makes the most furious onset. When the centre is broken, the wings alarmed at the spectacle retreat; before the panic is over the decisive blow is struck that decides the fortune of the day. Thus fared it in the present instance. The Duke of Auerstadt put his corps in motion to reach the *centre* of the enemy. The Austrian Gen. Bellegarde on the contrary moved for Stadelau forming the *right* of the Austrian army instead of marching to the support of the centre. The Austrian corps of Callowrath, Litchtenstein and Hiller connected their right to reinforce the position between Wagram and Neutside, being the left of their army leaving the centre thus weakened the point which the Duke of Auerstadt was advancing to attack. The Duke of Auerstadt encountered and overthrew the division of Prince Rosenburg advancing to the assistance of that part of the army that the Duke of Auerstadt did not mean to attack. The French Emperor observed, and it is needless to say he improved to his own advantage, this blunder of his enemy. The Duke of Rivoli was ordered to attack and to carry the village of Gross-Aspern which straitened the extremity of the *centre* of the French army; the Duke of Auerstadt to turn the position of Neutside the left of the Austrian army, and to push on for Wagram its centre. The Duke of Ragusa's troops and Gen. Macdonald were commanded to form their troops in columns and to assist the Duke of Auerstadt in his attack upon Wagram; mean while information was received that the Austrians instead of observing and attempting to counteract these moments, were exerting themselves against the left of the French army, and the moment was too precious to be lost.

General Macdonald with two divisions assisted by one of general Nansouty's, supported by the horse guards, and a battery of sixty guns, and general count Lauriston with one hundred pieces of artillery advanced within half gun shot against the enemy's centre and after a dreadful fire fell upon them with the bayonet. The centre was broken—the right was alarmed and fell back, while the duke of Rivoli attacked it in front. The left was out-flanked by the duke of Auerstadt. This turned the fortune of the day and decided the fate of Germany. If the French account is correct the Austrians lost in this battle ten pair of colours, forty pieces of cannon, twenty thou-

sand prisoners including three or four hundred officers. From some unknown cause the Austrians did not in this battle preserve the high reputation acquired by the battle of Aspern. The French state that "the dispositions of the enemy seemed so absurd that some snare was apprehended, and the emperor delayed some time before he ordered those easy dispositions which he had to make to disconcert those of the enemy and render them fatal to him." This censure thrown on the Austrians severe as it was, falls far below the arch-duke's. He declares in his proclamation "that the disastrous result of the last battle must be ascribed to the conduct of the troops; that as the confusion was general amongst them, the retreat was made in too great haste and disorder. Some regiments were so crowded together that they fired upon one another. The confused cry that was heard amongst the troops, drowned the voice of the commanding officers. Had the commanders accustomed their troops to silence, and taught them to attend to nothing but their orders, the separation of the left wing would not have produced such shameful consequences. His royal highness threatened that in every regiment which should in future conduct itself in a similar manner the tenth man shall be condemned to die, and the rest of the men be distributed amongst the other regiments. The disorder that still prevailed amongst the troops proved that the officers of the staff knew not how to apply a remedy. His highness concluded by remarking that it was the shame of the army that so many stragglers and plunderers, were found on all the roads, and in all the villages." The French representation of the battle cannot therefore be considered as mere gasconade, when we behold the Austrian general confirming the charge and denouncing such unparalleled severity of punishment in case the offence should be perpetrated again. The ninth of July 1809, accomplished the ruin of the German army. The treaty was not completed until the 14th of October following. This delay of the signature has been variously accounted for. The probability is that the question amongst the contending parties was not how much territory the emperor of Germany should give, but how much the other parties would agree and in what proportion to take. Alexander one of whose prime objects in all his controversies is an enlargement of his empire, is reported to have stoutly contended with Buonaparte as to his share in the conquered provinces. It became necessary to ensure the stability of the conquest, not merely to satisfy the claims of the Russian monarch, but also the wishes of the confederates of the Rhine. Amongst so many clashing interests to ascertain which one should have the ascendancy, and to satisfy the rest of the claimants, was a question of unusual delicacy to manage. A treaty however was finally concluded on, in which the richest part of the emperor of Germany's remaining dominions was ceded to Napoleon, and a territory comprising a population of four hundred thousand souls to Alexander. The several confederates of the Rhine were likewise provided for in this dismemberment of Germany,

It has been often remarked that Buonaparte's mode of warfare is peculiarly and exclusive his own; that he is indebted for it to no system of tactics ancient or modern. Without calling in question the justice of this remark as applicable to his general mode of war, the preservation of the centre of his own army and his attempt to break that point in his enemy's, cannot be cited as an instance of his novelty in warfare. It was a mode adopted by the Grecian armies, and by them transmitted to the Romans. At the battle of Cannæ, Hannibal had recourse to this expedient to counteract the effects of the Roman charge upon his centre. The Romans presumed that the veteran troops of the Carthaginians on whom Hannibal relied, formed the centre of his army: that the light armed levies and those on whom he placed no reliance occupied his wings, and therefore directed their whole force to that point. Hannibal aware of this Roman mode of assault placed his veteran troops on the wings of his army, suffering his light armed recruits and raw levies to occupy his centre. The Romans as usual when they had penetrated the centre concluded that the fortune of the day was theirs, and even uttered shouts of victory.

To their discomfiture and astonishment they found themselves surrounded by the veterans of Hannibal, which decided the fortune of the day. The same expedient was resorted to by general Abercrombie, in the battle of Egypt. The French general Menou observing the gallantry of the English army, ordered his infantry to make a charge upon the centre. The English army opened and suffered the infantry to pass through their lines without opposition, and then by opening a tremendous fire from the right and left compelled them thus surrounded to surrender. It is singular that the very manœuvre that cost Abercrombie his life, ensured victory to his army.

CHAPTER IV.

WHILE Austria was engaged in a desperate attempt to retrieve her former greatness, England did not remain as we may well suppose, a quiet and unconcerned spectator of the contest. Vast armaments were preparing, the dock yards were all alive with bustle and activity, and every appearance testified that some important expedition was on foot, and the destiny unknown. The public papers teemed with surmises and conjectures, and the minds of the politicians were agitated and confounded by various perplexing and contradictory reports. Whether this preparation was designed to reinforce the British troops in Spain or to make a powerful diversion in favour of Austria was matter of doubt and conjecture. In process of time all this mystery was cleared up, and Lord Chatham at the head of an army consisting of nearly forty thousand men with a fleet composed of twenty two ships of the line, and six frigates under the command of Sir Richard Strachan and Sir Samuel Hood, Rear admiral Otway and Sir Home Popham sailed for the island of Walcheren. This island lies at the mouth of the river Scheldt, in latitude $51^{\circ} 30'$ N. and longitude $3^{\circ} 33'$ E. is almost circular in its form and about nine miles in length and eight in breadth. It belonged to the province of Zealand—its capital is Middleberg situated in the centre of the island. The harbour of Flushing is on the south side of the island, strongly fortified, where a fleet might ride in safety, and command all the islands adjacent. Situated so near the mouth of the Scheldt, it had all the advantages of descent on Flanders and Brabant, and would be in British hands an almost impregnable fortress competent for all the purposes of defence or assault from the insularity of its situation and its vicinity to the shore. It might be expected likewise to make a favourable impression on the Netherlands, especially at a time when the attention of the French emperor was so imperiously summoned to another quarter. The English conjectured that at a time so favourable for successful enterprise, Holland suffering as she was by the interdiction of all English commerce, would leave no exertion untried to regain her independence. The English spoke more in the tone of prophesy than conjecture, and augured an auspicious result. They were loud in their acclamations on the courage and enterprise of the administration that projected and executed the formidable armament. Events seemed for a time to favour such warm anticipations, for intelligence arrived of the landing of the troops, after an inconsiderable opposition, and that the towns of Campmeer, Rammekens and Middleberg, the capital had already fallen into their hands. The enemy had retreated with precipitation to the strong fortress of Flushing which was then closely invested with British troops. Intelligence had likewise ar-

arrived that a division of the expedition under the command of general Hope, had captured the towns of Schoven, north and south Beveland, with a trifling and inconsiderable loss on the part of the British troops. Nor were the French, if we may judge from the style of their address to the French emperor behind their enemies in confidence. The conservative senate declare to his majesty their anxious wish that he would not withdraw his troops from the Danube nor his invincible legions from the banks of the Tagus for that wherever there are Frenchmen there will be an army. They avow that they feel no other pain than the fear of their arriving only to crown their brothers with the civic and military laurel, that their ships in the Scheldt both protected by and protecting formidable batteries, double the barriers of iron and fire that bound the shores bordering on Zealand. Thus did the pen valiant heroes on both sides exert their military prowess: it is now time to notice hostilities of another nature. On the first day of August 1809, the town of Vere was compelled to capitulate to his Britannic majesty's troops, the garrison were made prisoners of war, the military stores and other public property was delivered up and the town taken possession of by the victorious army. The siege of Flushing was now prosecuted with the greatest vigour and alacrity. Batteries were raised before the town, and on the 16th day of August 1809, a fire was opened on the fortress from fifty two pieces of heavy ordnance, which was vigorously returned by the enemy. Rear admiral Strachan cannonaded the town for several hours. The fire was opened from the shipping and from the land batteries at the same moment, lord Chatham beholding the town in flames at almost every quarter, and perceiving the fire of the enemy to slacken, sent in a summons for the fortress to surrender. He allowed the French general Monet an hour to consider of his proposal—in that term of time hostilities were recommenced. The entrenchments of the enemy were eventually forced, and the town compelled to capitulate. General accounts of such engagements are usually passed over by the reader with but slight and transitory regard. The following picture of the miseries of war may therefore not be unacceptable. Scarcely an house escaped damage, and two thirds were in a state of smoking ruins, five hundred inhabitants are supposed to have perished, and those who escaped, fled for safety to their cellars, or if they had none, were indebted for that hospitality to their neighbours. An English family resident there in an house furnished with extensive vaults, generously threw them open to all, without distinction of age or sex, and of the number who sought refuge amounting to three hundred, none received injury although the house had been repeatedly perforated with cannon balls, rockets and bombs. In one small hovel three hundred dead bodies were found with a slight and superficial covering of sand. The unhappy Burghers were exposed to the hottest of the fire, and of all classes suffered the most. At the first investment of the town they were placed in the most exposed parts of the fortifications, and when they attempted to retreat were driven on by the French again at the points of their bay-

onets; at every hour mutilated and undistinguishable remains of mortality were drawn out of the smoking ruins, and this promiscuous mass was interred without distinction together. The French general as a last and desperate resource opened the sluices of the town and laid great part of the island under water. The evaporation produced by a burning sun mingled with the noxious effluvia of the dead occasioned a dreadful pestilence. After this siege and capitulation while Antwerp was confidently expected to fall, the next intelligence reaches the English of a very different nature, and import. The enemy had now collected a formidable force distributed between the environs of Bergen-op-zoon, Breda, Lillo, and Antwerp of no less than thirty-five thousand men. Lord Chatham reckons that he could not have brought into the field after providing for the occupation of Walcheren and south Beveland more than twenty three thousand infantry, and two thousand cavalry. After such a disposition, a very inadequate force would have remained for operations against Lillo and Liefkenshaick and ultimately against Antwerp. The town of Antwerp was in a state different from what it was represented to have been, and capable of enduring a vigorous siege. Three thousand of the British troops were rendered by sickness incapable of duty. His lordship therefore deemed it prudent after throwing into the island of Walcheren a sufficient garrison to secure that important possession to re-embark the remainder of his troops and to await his majesty's further commands. The public expectation which had been so much excited from this formidable armament now underwent a bitter disappointment. The commander in chief who was before represented as worthy of the illustrious name he bore, was now suddenly shorn of his factitious splendour, and pronounced incompetent to do the ordinary duties of a parade officer. The party in opposition to the administration moved in a variety of shapes, a parliamentary enquiry, and the expedition has been ever since a bye-word of reproach on its projectors and agents. To complete the farce, the ministry quarrelled amongst themselves, and the result of this famous Walcheren expedition was a duel between lord Castlereagh and Mr. Canning. In the complicated concerns of great and powerful empires, and more especially in military matters, it is difficult for us so distant from the theatre of action to form our opinions of any measures adopted even with with a tolerable chance of justice. When any measure has failed of success, it is common for us to arrogate to ourselves much glory by explaining how it should have been transacted. This after fact prescience has given a character of wonderful foresight to the politicians of our day. We hazard little in the assertion, that of the numerous censurers of this expedition there are very few who would not have applauded it before the evidence of fact proved it unfortunate, and instructed them on which side of the question to turn what they are pleased to denominate their predictions.

CHAPTER V.

IT has been an opinion commonly received, that all political revolutions are favourable to liberty, and what is usually denominated the rights of mankind. Nations that have long suffered under the scourge of oppression, are from obvious causes induced to believe, that any change whatever must be a salutary change. Undoubtedly if man were so constituted, that during revolutionary times, morality and justice could act with the certainty of physical force, revolutions then indeed might with emphasis be pronounced favourable to liberty and the rights of man. We are not, however, to learn at this late period, that patriotism is not the only power capable of moving revolutions. Ambition, and that not of the most honourable kind, experience has told us, has at least as much agency in such movements, as the more laudible motives of action. In such tempestuous seasons, there is surely an equal chance, that wicked and unprincipled men will become more bold, enterprising and effective, when the ordinary restraints of law and government, by which they were formerly repressed, are abolished. During the periods of national tranquillity, no confederacy can be formed between such congenial minds, beyond the ability of law to disperse and subdue. Such spirits are therefore ever on the watch, for times more auspicious for their movements; and in revolutions they are ever vigilant and alert. Vicious men receive what in more peaceful times they lack, the countenance and support of vicious men, and hence the general result of revolutions, is a confirmation of servitude. Another evil resulting from such a state of things is, that any enormity whatever may be consecrated by a precedent. Common law is a body of precedents, formed by justice, to quiet the controversies of men. A principle fraught with so much utility which gives consistency to justice, and certainty to enquiry is by revolutionary men violently wrested from its legitimate purpose to sanction enormity and outrage. Precedent is pleaded in justification of every act, and it is obvious, if precedent alone is sufficient, every species of iniquity is capable of defence. Although this principle has been warmly espoused and adopted in substance, it has never yet been formally and specifically avowed. The advocates aware of this resort, have recourse to the terms "justice," "state necessity," "self preservation" "mitigated measures of retaliation," and cordially lament that they are compelled to commit robbery, because their enemies have done the same thing. Thus the rights of mankind guarded and avowed by the sanctity of treaties, are virtually acknowledged by both of the contending parties, and practically regarded by neither. Each belligerent ashamed of the turpitude of

his own acts, endeavours to load the other party with the blame, and the solemn farce is preserved with all the gravity of diplomatic discussion. "Berlin decrees" justify "orders in council," and "orders in council," in their turn justify "Berlin decrees." In vain the suffering nation applies for remuneration, redress, or mitigation, for while her property is pillaged by one belligerent, she is gravely told to look to the other for indemnity. There is some satisfaction however in observing the covert confession that each belligerent is ashamed of his own acts. It shews conclusively, that superior power dares not risqué its popularity, by an avowal of its actuating motives, but is compelled to resort to the shadow, when destitute of the substance of justice. This involuntary homage paid to principle so prophaned, is the only remuneration our countrymen have received for the plunder of their commerce, and the imprisonment of their persons. Whatever therefore may be thought by dreaming casuists and visionary speculators of the "favourableness of revolutionary seasons, for exertions in the cause of liberty," our fellow citizens, and more especially the mercantile class, have far more reason to adopt the words of Edmund Burke, than of Dr. Price, that "revolutions are peculiarly favourable to confiscation."

These reflections obtruded themselves, while investigating the diplomatic department of the "Register." It abounds with facts so astonishing, so far transcending all calculation and foresight, that it lacks nothing of the character of romance, but the language.—Sovereigns of kingdoms heretofore proud and independent, are deposed and reduced to pensioners, by a dash of the pen—powerful empires divided and parcelled out like a raiment, and a new dynasty established in the narrow space of two lines. We grow familiar to incredible event, until our minds sink into a sort of apathy and decline, the drudgery of further research. Astonishment long protracted, ceases to be such, and we view afterwards with a morbid kind of indifference, what at first excited our sensibility, and engrossed all our sympathies. To examine in mass the stupendous events which have passed, and are now passing on the drama of Europe, is an idle consumption of time and industry, exerted to no purpose. The pen labours in vain to keep pace with the conqueror of Europe; and while it records the downfall of one kingdom, another, and another, and another follow the precedent; the historian finds his work growing instead of diminishing in his hands. It is, notwithstanding, an undeniable fact, that talents, however great, united to industry, however unremittant, are not competent to accomplish these prodigies, unless favoured by some pre-disposing causes that allow sufficient latitude for their exertion. Cromwell might have embarked for America, according to his original determination, and have descended to his grave a zealous Puritan without hypocrisy.—King Charles the first, by his writ of *ne exeat regno*, denied to his kingdom this repose, and by that very instrument made Cromwell an hypocrite, and himself a martyr. In like manner Barras, when he first, from no very honourable motive, patronized the youthful Buonaparte, probably foresaw in him qualities that would constitute

an enterprising general, but he could not have foreseen, nor could his protegee at that time have suspected, that he was to become the subverter of the very government whose banners he was then fighting under—the persecutor of the Bourbons—the founder of a new dynasty in his own family—a monarch before whose presence other monarchs were doomed to reconcile in their own persons the seeming paradox of independent sovereigns and slaves.

This phenomenon incredible as it may appear upon paper, has grown up before our eyes in the compass of a few years. But it is not the purpose of an historian to wonder but to record. The pre-disposing causes hinted at above are principally resolvable into one, the weakness and pusillanimity of the other sovereigns of Europe, particularly those of the Bourbon dynasty. A nation however brave and intrepid it may be, must be endowed with an head competent to rally, and concentrate its energies, or otherwise all that bravery and intrepidity is in the hands of an artful antagonist subservient to its own destruction. The treasures are squandered—the vigour of the nation wasted and impaired in promoting the ambitious projects of an enemy under the guise of an ally. Battles are fought, and provinces subdued in such unprofitable conflicts to augment a foreign power until the very nation that has rendered such assistance thus wasted, debilitated, and incompetent for effectual resistance, is delivered over an easy victim to her *ally*. Had fortune placed the arch-duke Charles on the throne of Spain, how different might have been the fate of that nation! The dotard sovereign squandered his treasures, and the lives of his subjects at the veto of Buonaparte. At his command he accepted the crown, and at his command he resigned it, and finally that the world might lack no kind of evidence of his regal insignificance conveys it to Buonaparte, to the total exclusion of his own son and heir.' Much has been said, and our public papers have been loud in their denunciations against the emperor of France for decoying Ferdinand from the capital of his kingdom to a dungeon. Without attempting an apology much less a justification of the deed, is not the barefaced audacity of Buonaparte nearly balanced by the blindfold and stupid confidence of Ferdinand? We might in some measure be disposed to pardon or to forgive the credulity of Ferdinand, had his ministers, those whose advice he had been accustomed to listen to with respect, concurred with the proposition of Buonaparte; but the Spanish monarch has not, in his present captivity even this source of consolation.

In defiance of the entreaties and remonstrances of his ministers, in defiance of the prayers of his loyal and gallant subjects, some of whom even attempted to restrain him by force, he forsook his capital, meets with Buonaparte on the frontiers of his kingdom who in a style perfectly characteristic receives him with an embrace, a deposition from the throne of his ancestors and a dungeon.

Until this moment when all hope of their monarch's restoration was idle and chimerical, the Spaniards did not themselves seem sen-

sible of what prodigies their indignant loyalty was capable of performing. They seemed to have derived new energy from the hopelessness of the attempt, and whatever may be the perilous issue of a conflict so unequal, their honour is redeemed and their loyalty vindicated from reproach. Spain with an effeminate Bourbon at her head had been for a series of years, a bye word of contempt; when destitute of such sovereignty, she has commanded admiration. The reproach therefore which has been so prodigally bestowed on the nation, belongs solely and exclusively to the monarch. Where such imbecility is invested with such arbitrary power, it does not require a spirit of prophecy to predict the result. Sampson's strength availed him but little when he suffered himself to be governed by Delilah. The Spaniards have had to encounter the arts, the arms, and the gold of Buonaparte, all united for their destruction, and then heroic loyalty is not yet overcome. We have cited the example of Spain as proof of the assertion before made, that the materials of Buonaparte's aggrandizement must be found in a great degree in the imbecility of his royal opponents. Prussia has had the name of a Frederick to occupy the throne. The royal miser gave free reins to his avarice, and while independent monarchs falling around him were forewarning him of his destiny, was busily employed in speculating on their misery. Instead of looking to the integrity of his own dominions, he was replenishing his coffers from those who endeavoured to hire him to defend his own territories and the dignity of his ancestors. England promised him money and paid it—France an extension of his territory—both tempted his cupidity and courted his alliance, and the highest bidder was ever sure of his purchase.—At the battle of Austerlitz it was in the power of this monarch to have controled his own destiny, and that of Europe. He suffered this favourable moment to escape him without improving it, and fell at last without an eye to commiserate his sufferings. He was amassing wealth not for himself but for Buonaparte—the factor was called to a rigid account, and compelled to surrender up his treasures and his empire. Alexander appeared at the outset to have promised much, and was with much confidence predicted as the deliverer of Europe. He volunteered his services in a contest at a time when danger if any existed to his empire was very distant and remote. Such an act of almost unparalleled disinterestedness was considered as an omen of success. A parallel was run between his generous overtures of assistance, and the selfish demeanour of the Prussian court, in the highest degree honourable to Alexander.

Much was anticipated from the deep responsibility he had thus voluntarily assumed, and it was conceived that he was prepared to put every thing to hazard when he had without compulsion chosen for his station, the turning point between honour and disgrace. So fondly do the hopes and wishes of mankind control their better judgments! It was not, and under the predominance of such illusions, it could not have been foreseen, that youth is more ardent than persevering—that difficulties and obstacles not considered at

the commencement of a project, appal when they meet us, that resolutions rashly formed, are as rashly abandoned—that in fine a mighty instrument ought not to be wielded, but by a correspondent hand.

“ Alone untouched the Pelian jav’lin stands,
Not to be poiz’d but by Pelides’ hands,”——

Thus fared it with Alexander ; after one unfortunate campaign—he abandons hostility in despair, and the war is terminated by a treaty that endangers the security of his crown.

It is not worthy our attention to meddle with the diplomatic finesse and apology by which the Russian monarch attempts a justification of his conduct, his sudden hatred to England, and his alliance with Buonaparte.

A cause more obvious and paramount, irresistibly claims our assent, the French monarch was on his borders, and whatever embraces he might have given him in their conference at Erfurth, he watched with peculiar satisfaction the retreating footsteps of so dangerous a guest.

In further confirmation of the principle before advanced, we might dwell with satisfaction on the conduct of the hero of Austria—we might present to our readers the character of a man often defeated but never subdued, who in the season of adversity found his resources invigorated instead of being exhausted—who when overwhelmed by superior force was terrible in his retreat, and who has exhibited to the petty sovereigns of Europe the spectacle of a character, over which the shadows of adversity have past, and by gathering around it, have left the orb entire, beautiful, and more luminous from the contrast of their shade. With means far inferior to the most of his confederates, he knew how to improve what resources he had—and he has left to them, an example not very consoling to their pride.

Fortunately for Buonaparte the means were not equal to the man. The basis therefore of Buonaparte’s ascendancy it this, Alexander was only the *descendant* of Peter—and the Prussian monarch of Frederick the great.

CHAPTER VI.

ANY one acquainted with the style and character of diplomatic communications will admit, that they have a cast of phraseology peculiar to themselves. Ministers who have the important concerns of powerful nations entrusted to their care, deem it beneath their dignity to speak in the plain and perspicuous language of common sense. A proposition when made is encompassed with such a mass of verbiage that it requires an eye expert in the investigation of such documents to make the discovery. A mutual habit of over-reaching amongst ministers has begot a strange and uncouth style of writing, which such characters would be ashamed to adopt in the composition of an ordinary letter. Mystery seems their motto, and the temple of Eleusis receives the homage of their worship. Facts are stated hypothetically, when positive assertions are meant, and deductions are left for the reader to draw, while the writer retreats under the patronage of obscurity, which he has thus intentionally left. Diplomacy therefore is almost a science by itself, and incomprehensible by those not conversant in that species of composition. Professions of confidence and respect are made the vehicles of rancorous hostility, and often of preconcerted insult. Open, fair and ingenuous dealing is, we fear a stranger to all cabinets. The great responsibility attached to such occupations has contributed much to this dark and obscure phraseology. Fearful that a jealous and suspicious antagonist will extend the proposition about to be made beyond the just import of the words, an ambassador about to make one, accompanies it with so many guards and reserves that he finds a safe retreat in case of a rejection. He can complain that his words have been tortured to an interpretation different from their natural sense—that he meant something entirely different from the construction of his antagonist, he can complain of unfair treatment and raise the clamour of controversy whenever he finds it expedient to resort to such an artifice. More sincerity amongst all parties, would expel this obscure phraseology from the records of diplomacy, and enable any man of common sense to exercise his judgment on the matter. Another palpable inconvenience results from this mode of writing, that an offence may be taken where none was in reality designed, and the interests and welfare of great nations be sacrificed to an unmeaning word, or to the misapplication of a comma. Scarce any grievance calls more emphatically for reform than this, and the diplomatist who would have the courage to state what he means with the same perspicuity and precision that he would do on any other occasion would deserve a monument to his memory. Strange as it may appear in an age that boasts itself enlightened, this despicable expedient still remains a blot upon our escutcheon, which none has

yet had the fortitude to expunge—With these reflections we propose to review the correspondence between our secretary of state and the late British minister Mr. Jackson, which has occasioned so much warmth of discussion and sharpened our political resentments to such a perilous extreme.

The French emperor in his rage for the extermination of British commerce declared all the British Islands in a state of blockade, subjecting to capture and condemnation all vessels with their cargoes, trading in those dominions, and declaring as a good and lawful prize every article of merchandise belonging to England coming from her colonies, or of her manufacture. The nations in alliance with or more properly under the control of France were required to give effect to such orders. The British government having now a plausible pretext for the exercise of their immense maritime superiority publish their orders in council, which after reciting that "his majesty is compelled to take further measures for supporting his maritime power which the exertions and valor of his people have under the blessing of providence enabled him to establish and maintain, and the maintenance of which is represented to be not more essential to the safety and prosperity of his majesty's dominions than it is to the protection of such states as still retain their independence, enacts, "that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe from which although not at war with his majesty, his flag is excluded, and all other ports or places in the colonies belonging to his majesty's enemies, shall be subject to the same restrictions in point of trade and navigation, as if the same were blockaded by his majesty's forces in the most strict and rigorous manner." It was further ordered that "all trade in articles which were of the produce or manufacture of the said countries or colonies, together with all the goods or merchandise on board, and all articles of the produce or manufacture of the said countries or colonies should be captured and condemned as prize to the captors." We do not deem it necessary to state the limitations and exceptions contained in the orders, because the ground taken by our government was the injustice of the principle on which they were founded. This law has from the time of its first promulgation, formed a subject of just and pertinacious remonstrance on our part. The English government were willing to soften and mitigate the asperities of it, but our government protested against all compromise of that kind, so long as the principle was not abandoned. The English cabinet as resolutely adhered to the justice of the principle, and the consequences of such adherence are still recent in the memory of every reader. Our measures of defence were in the first place an embargo, so rigidly enforced and accompanied by such severe penalties, that it endangered the tranquillity of the country. To prevent a greater evil the embargo was finally abandoned, and an act passed to "interdict all commercial intercourse between the United States and Great Britain and France and their dependencies. The president was empowered by the provisions of the act, that in the event of France re-

scinding her Berlin decrees, or Great Britain her orders in council, to suspend the operation of the law on that belligerent, and to suffer it to remain in full force on the other. Mr. Erskine the British minister then resident in this country conceived himself authorised by his government to declare, "that the British orders in council would be withdrawn on the 10th of June 1809." The president after this pledge of pacific intent was so solemnly tendered, met such fair proposals in the true spirit of conciliation, issued his proclamation, and declared that the act interdicting the commercial intercourse between Great Britain and the United States should so far as respected that country, be suspended on the same day. It is difficult to express the joy and satisfaction manifested by all classes of our fellow-citizens, on this desirable event. Commerce resumed its wonted activity, our seaports were all alive with bustle and preparation. In the midst of a scene so exhilarating, we were astonished with the intelligence that Great Britain had officially disavowed the act of her ministers—that the orders in council were still in force, qualified however so far as regarded their operation on us, by exempting from seizure and condemnation such of our vessels as had sailed under the faith of that arrangement. The president then by another proclamation revived the penalties of the act, "interdicting the commercial intercourse between the United States and Great Britain and France and their dependencies." Such was the gloomy and portentous state of the public mind, when Mr. Jackson, the successor to Mr. Erskine arrived in this country. It was a time when our government partook largely of, if they did not give the tone to the popular excitement. Although the principle that a government may disavow an act of its ministers cannot be doubted, rarely indeed does an instance occur sufficient to justify so hazardous an expedient. It requires a strong combination of circumstances, and indeed seems to form a part of that necessity which is paramount to all law before this remedy can be adopted. We may easily conceive that at such critical moments, the administration of a country claiming the character of independence, will be jealous of every thing bearing the complexion of an insult. Under such inhospitable circumstances, Mr. Jackson's correspondence commenced, which it now becomes our duty to examine. We shall only select such parts of the correspondence, as bear upon the circumstances above stated, leaving the affair of the Chesapeake, which forms a conspicuous part of it untouched, as that has no relation to the facts that induced our government to decline all further communication with the British minister. The first letter of our secretary of State testifies a little surprise, and indeed indignation that the new minister had received no instructions from his government to specify the grounds of their refusal "to abide by an arrangement so solemnly made, accompanied by a substitution of other propositions." The British minister in his answer, declares that our secretary of state must have thought it "unreasonable to complain of the disavowal of an act done under such circumstances as *could* only lead to the consequences that have actually followed." He then details what those

circumstances were. In the first place he states it to have been a matter of doubt when he left England, whether Mr. Erskine had according to the liberty allowed him, communicated his instructions in extenso (or entirely) to our secretary of State, although it then appeared that he did not. One fact is assumed, and afterwards acknowledged by the secretary, that Mr. Erskine did submit to his consideration the three conditions specified in his instructions, on which his government would agree to rescind their orders in council—that Mr. Erskine had reported his observations on each, and that others were substituted in their stead. He declares that the difference between the original conditions and their substitutes was sufficiently obvious to require no elucidation. That in such cases, his majesty had an undoubted and incontrovertible right to disavow the act of his minister—that the supposition of our secretary that Mr. Erskine had two sets of instructions was unfounded—that the despatch which he had seen, was the only one that empowered Mr. Erskine to act—that these very instructions that had been seen by the secretary comprehending the whole of Mr. Erskine's authority to act was made by his majesty's secretary of state to Mr. Pinkney, our minister at the court of London, and that it was natural to suppose he would convey *to his government such information as would relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred.*" The reader is desired to notice that the alleged cause of our government in refusing to hold further correspondence with the English minister was that he conveyed an intimation, that they knew of Mr. Erskine's incompetency to act. Here is every thing but a broad and open avowal of that fact explicitly stated. In the first place that the three conditions on the performance of which the orders in council were to be rescinded, were seen by our secretary and that he substituted others.

2. That if he had not seen the whole of Mr. Erskine's instructions Mr. Pinkney had, from whence the British minister draws this inference, that "it is natural to suppose he would convey to his government so much information as would relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred." Why relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred? We are now perusing diplomatic language of which obscurity is believed to constitute the principal beauty. Because through the medium of Mr. Pinkney, the British minister presumes our administration were forewarned of the fact. If such language is capable of another construction, it is more than we can discover. Our secretary of state felt himself so hardly pressed on this point, that he deemed it necessary to make a formal declaration of his ignorance, and the case imperiously demanded such a declaration. The declaration that "the despatch from Mr. Canning to Mr. Erskine of the 23d of January is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it relates," is now *for the first time* made to this government. "And I need hardly add," continues

the secretary "that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it, and which were at first presented by Mr. Erskine were the only ones on which he was authorized to make an arrangement, the arrangement would not have been made."

None will contend now in behalf of the British minister that he was ignorant of the construction put by our cabinet on his words. They were induced to make an honest declaration of their ignorance of Mr. Erskine's incompetency to act, from the very strong intimation conveyed in the letter of the British minister that they were not ignorant. Surmises and dark insinuations are as we have before observed the usual resort of diplomacy, and most certainly if our government were apprised of Mr. Erskine's incompetence, all apology and explanation on the part of the British minister was needless. Our secretary still contends that our government had a right to expect from the other the reasons why Mr. Erskine's arrangement was disavowed. He conceived it a tribute of respect justly due to the disappointed party that the new functionary should be the channel through which such explanations should be conveyed to our cabinet, and that a person from whom his own government had withdrawn its confidence, was not as the British minister contended the proper channel of such communication.

The British minister now undertakes to assign the reasons why his majesty has disavowed the act of Mr. Erskine, he says therefore that it was done because that gentleman had in so doing violated his instructions. These instructions he continues were as he understood from the terms of his letter made known in substance to the secretary, and that no stronger illustration could be given of the deviation from them than by a reference to the terms of that agreement concluded on between the secretary and Mr. Erskine. The secretary having previously hinted in his correspondence that Mr. Erskine might have had two sets of instructions—the British minister denies the fact, assures the secretary that only one set was given, of which he was already acquainted, and that the terms so far from having comported with the instructions of Mr. Erskine were substituted by the secretary himself. This might all happen very innocently provided our government were as they avowed themselves, ignorant of the whole extent (or in the barbarous language of diplomacy if they had not seen in extenso) of Mr. Erskine's instructions. The slightest suggestion on the part of the British minister that he believed the declaration of our secretary, that our government did not know of Mr. Erskine's incompetency, would have answered the purpose; but in defiance of such a declaration he re-states the offensive matter. Why is this fact so often obtruded on the secretary's attention that he saw Mr. Erskine's instructions, and that the terms of the arrangement were substituted by himself in lieu of those which those instructions contained, and offered as an excuse for the British ministers declining to give the reasons that prompted his Britannic majesty to their disavowal unless it is meant

to insinuate that our government knew Mr. Erskine's incompetence and that therefore no such argument was necessary.

This train of reflection passed through the mind of the secretary, and in his answer to the last letter, he speaks in a still more decided tone "I abstain, sir, from making any particular animadversions on several irrelevant and improper allusions in your letter not at all comporting with the professed disposition to adjust in an amicable manner the differences unhappily subsisting between the two countries. But it would be improper to conclude the few observations to which I purposely limit myself, without adverting to your repetition of a language implying a knowledge on the part of the government that the instructions of your predecessor did not authorize the arrangement formed by him. After the explicit and the peremptory asseveration that this government had no such knowledge, and that with such a knowledge no such an arrangement would have been entered into, the view which you have again presented of the subject makes it my duty to apprise you, that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself." This reduces the matter in controversy to a plain and obvious point. The British minister is now informed that his language clearly implies that our government were acquainted with Mr. Erskine's incompetence—it reminds him of his having used the same language before, and of his repeating it, even after the secretary had solemnly professed his ignorance; it goes further and declares such language inadmissible and improper. The British minister that no doubt may be left of his meaning, in his reply, states in still stronger terms what he had formerly done. He asserts, "that there is another motive for the disavowal of one part of the arrangement considered to be so strong and so self-evident on the very face of the transaction, that he is not commanded to do any thing more than to indicate it in the manner he had already done. By this forbearance (he observes) his majesty conceives that he is giving an additional pledge of his sincere disposition to maintain a good understanding with the United States."—What can these dark and mysterious words following direct the declaration of our secretary that such language is inadmissible import, but that our government were aware that Mr. Erskine was not qualified to act. The secretary as has been before remarked, had told the British minister in what light he viewed his words, the charge is then restated, and his majesty is made to declare that by merely referring to it he gives a new pledge forsooth of his sincere disposition to maintain a good understanding with the United States. Nay as if to leave no doubt on the subject, he concludes his letter thus—"You will find that in my correspondence with you I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation where I was unable to substantiate a fact. To facts such as I have become acquainted with, I have scrupulously adhered, and in so doing, I must continue whenever the good faith of his majesty's government is called in question."

His silence on the subject on which our secretary complains, and then restating with aggravation the very facts that occasioned it, is decisive evidence, that he designed the words to be understood according to the secretary's understanding of them. The result was what the secretary had declared it should be, and what Mr. Jackson was apprized of, an abrupt termination of their diplomatic intercourse. The letter of Mr. Jackson to Mr. Oakeley written after the termination of his correspondence with our secretary, bears this and no other construction. One of the facts, he remarks, was admitted by the secretary himself, that the three conditions forming the substance of Mr. Erskine's original instructions were submitted to him by that gentleman, the other, viz. that that instruction was the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement to which it related, was known to him by the instructions which he had received. He goes on to remark that in stating these facts, and in adhering to them as his duty imperiously enjoined him to do, he could not imagine that offence would be taken by the American government. Mr. Jackson in this statement is guilty of an artifice unworthy of his office, and of the HIGH CHARACTER HE DESERVEDLY BEARS. Those two facts were as he well knew in themselves perfectly harmless, it was only the inference he drew from them that irritated our administration.—The inference likewise did not inevitably follow from this assumption of fact, and they were plainly reconcilable to honesty and fair dealing on our part. Before we can believe that our government would be guilty of such horrible tampering with public honour as to pledge the faith of a nation to the performance of a contract which they knew could not be executed, or that they would descend one grade lower in infamy and resort to this mean subterfuge to gain a little popularity, we ought at least to have evidence, of which we at present have none.

Politics has no concern in this affair thus stated. Our government have as they have assured us, conducted with faith and honour or they have told a deliberate lie to their consciences and to the world. The charge of Mr. Jackson manifestly imports that of the last of these alternatives, Our government has been guilty. The two facts on which he grounds his inference, do not warrant the conclusion he draws. And admitting the charge to be false, shall we say our administration was rash or premature in the measures they adopted to close such a correspondence? Let us allow them only the privilege enjoyed by the poorest member of society, and that is to believe them innocent until they are proved guilty by evidence.

We have been thus minute because we do not recollect to have seen the correspondence between our secretary of state, and the British minister fairly considered. Questions have been triumphantly asked of a nature similar to this—In what part of Mr. Jackson's correspondence will you find these words expressed, that our government knew of Mr. Erskine's incompetence. We answer, no where. Mr. secretary Smith never charged the British minister with expressing such an insult—his words are “implying a know-

ledge," &c. The reader is now in possession of all the materials in which Mr. Smith discovered so much offence, and he is we trust, capable of forming his own opinion on the matter. For ourselves we do not hesitate to declare that the language of Mr. Jackson clearly warrants Mr. Smith's interpretation, and is capable of no other. Whatever allegiance we owe to party, it is but a servitude in politics, to suffer ourselves to be blind to obvious facts—and let it be remembered, that there is an higher allegiance still, and more imperative in its obligations, our allegiance to truth and to honour. To those who are determined to see nothing in the character of a political opponent, but what deserves reprobation, we will only say that they have yet to learn that censure is entitled to but slight regard when it precedes the examination of a subject.

CHAPTER VII.

NOTWITHSTANDING we have in a foregoing chapter pronounced a strong and decided opinion that our administration were justifiable in adopting the measures they did with regard to the British minister, still as we have the misfortune to differ from many whose judgment we respect, we deem it fair and impartial to exhibit the arguments on the other side of the question. Mr. Quincy in the congressional debate on the resolutions of Mr. Giles, "approving the conduct of the president in relation to the refusal to receive any further communications from Francis James Jackson" has drawn a very different conclusion from ours. The style of the speech is chaste, not encumbered with metaphors: but such as are introduced, are employed not to dazzle but to illuminate the subject. The argument is lucid, and the general character of the composition is that of equable elegance. He disdains those stormy and tempestuous appeals to popular passions which are unhappily for our country too often regarded, the standard of patriotism. The criterion does not seem to be how much we love our own country, but how much we hate a foreign one. The speeches of this gentleman have often been reproachfully said to smell of the lamp: Mr. Quincy may console himself with the reflection that the orations of Demosthenes participate in this reproach.

Mr. Quincy, of Massachusetts said,—It is not my intention, Mr. Speaker, to offer any common place apology for the few observations I shall submit to the house on the subject now under consideration. Such is the character, and such the consequences of these resolutions, that no man, who had at heart the honor and happiness of this country, ought to continue silent, so long as any topic of illustration is unexhausted, or any important point of view unoccupied.

It is proposed, sir, that this solemn assembly, the representative of the American people, the depository of their power, and in a constitutional light, the image of their wisdom, should descend from the dignity of its legislative duties, to the task of uttering against an individual the mingled language of indignation and reproach. Not satisfied with seeing that individual prohibited the exercise of his official character, we are invited to pursue him with the joint terrors of legislative wrath; couched in terms, selected to convey opprobrium and infix a stigma. "*Indecorum,*" "*insolence,*" "*affront,*" "*more insolence,*" "*more affront,*" "*direct, premeditated insult and affront,*" "*disguises, fallacious and false;*" these are the stains we are called upon to cast; these the wounds we are about to inflict. It is scarcely possible to comprise, within the same compass, more of the spirit of whatever is bitter in invective and humiliating in

aspersion. This heaped up measure of legislative contumely is prepared; for whom? For a private, unassisted, insulated, unallied, individual? No, sir; For the accredited minister of a great and powerful sovereign, whose character he in this country represents, whose confidence he shares: of a sovereign, who is not bound, and perhaps, will not be disposed, to uphold him, in misconduct; but who is bound, by the highest moral obligations and the most impressive political considerations, to vindicate his wrongs, whether they affect his person or reputation; and to take care that whatever treatment he shall receive shall not exceed the measure of justice, and above all, that it does not amount to national indignity.

Important as is this view of these resolutions, it is not their most serious aspect. This bull of anathemas, scarcely less than papal, is to be fulminated, in the name of the American people, from the high tower of their authority, under the pretence of asserting their rights and vindicating their wrongs. What will that people say, if, after the passions and excitements of this day shall have subsided, they shall find, and find, I fear they will, that this resolution is false, in fact; that a falsehood is the basis of these aspersions upon the character of a public minister? What will be their just indignation, when they find national embarrassments multiplied, perhaps their peace gone, their character disgraced, for no better reason than that you, their representatives, following headlong, a temporary current, insist on making assertions, as they may then, and I believe will realise to be, not authorised by truth, under circumstances, and in terms not warranted by wisdom.

Let us not be deceived. It is no slight responsibility, which this house is about to assume. This is not one of those holiday resolutions, which frets and fumes its hour upon the stage and is forgotten, forever. Very different is its character, and consequences. It attempts to stamp dishonor and falsehood on the forehead of a foreign minister. If the allegation itself be false, it will turn to plague the accuser. In its train will follow severe retribution, perhaps, in war; certainly in additional embarrassments; and most certainly, in worst of all, the loss of that sentiment of self-esteem, which to nations, as well as individuals, is "the pearl of great price;" which power cannot purchase, nor gold measure.

In this point of view all the other questions which have been agitated in the course of this debate, dwindle into utter insignificance. The attack or defence of administration, the detection of fault, or even the exposure of crime are of no importance, when brought into competition with the duty of rescuing this house and nation from the guilt of asserting what is false, and making that falsehood the basis of outrage and virulence. I avoid, therefore, all questions of censure or reproach, on either the British minister or the American secretary of state. I confine myself to an examination of this resolution, particularly of the first branch of it. This is the foundation of all that follows. I shall submit it to a rigid analysis, not for the purpose of discovering how others have performed their duties, but

of learning how we shall perform ours. The obligation to truth is the highest of moral and social duties.

It is remarkable, Mr. Speaker, that of all the gentlemen who have spoken, no one has taken the precise terms of the resolution as the basis of his argument, and followed that course of investigation, which those terms naturally prescribe. Yet the obvious and only safe course, in a case of such high responsibility, is first to form a distinct idea of the assertion we are about to make, and then carefully to examine how that assertion is supported, if supported at all, by the evidence. With this view I recur to the resolution in the form in which it is proposed for our adoption, and make it the basis of my enquiries.

“Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, That the expressions contained in the official letter of Francis J. Jackson, minister plenipotentiary of his Britannic majesty near the United States, dated the 23d day of October, 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea that the executive government of the United States had a knowledge that the arrangement lately made by Mr. Erskine, his predecessor in behalf of his government, with the government of the United States, was entered into without competent powers on the part of Mr. Erskine, for that purpose, were highly indecorous and insolent.”

This part of the resolution, it will not be denied, is the foundation of the whole. For if no such “idea was conveyed” in the letter of the 23d of October, then there could be no “repetition” of that idea in the letter of the 4th of November; and if in the former part of his correspondence Mr. Jackson had made no such “insinuation,” then the assertion in this letter that he had made none, was perfectly harmless and justifiable. This part, therefore, includes the pith of the resolution. If we analyse it, we shall find that it contains two distinct assertions. First, that the expressions alluded to convey a certain idea. Second, that this idea, so conveyed, is indecorous and insolent. Here again we are enabled to limit the field of our investigation. For, if no such idea, as is asserted, was conveyed; then the enquiry, whether such idea is indecorous and insolent, is wholly superseded. The true and only question, therefore is, *whether the expressions alluded to, do convey the asserted idea.* I place the subject in this abstract form, before the house, to the end that if possible we may exclude all those prejudices and partialities, which so naturally and imperceptibly bias the judgment. In the light, in which it now stands, it must be apparent to every one, who will reflect, that the question has so far, as it respects the principles on which our decision ought to proceed, no more to do with the relations between Great Britain and the United States, than it has with those between the United States and China; and has no more connection with Mr. Francis J. Jackson and Mr. Robert Smith, than with the late Charles of Sweden, and the old duke of Sudermania. It is a simple philosophical disquisition, which is to be decided by known rules of con-

struction. The only investigation is touching the power, or capacity, of certain terms, to convey an alleged idea. However illy suited a question like this may be for the discussion of an assembly, like the present, yet if we would be just to ourselves and the people, we must submit to an examination of it, in that form, in which alone certainty can be attained. It is only by stripping the subject of all adventitious circumstances, that we can arrive at that perfect view of its nature, which can satisfy minds, scrupulous of truth and anxious concerning duty. It is only by such a rigorous scrutiny that we shall be able to form that judgment, which will stand the test of time, and do honor to us and our country, when the passions of the day are passed away and forgotten.

The natural course of inquiry now is into the idea, which is asserted to be conveyed, and the expressions, which are said to convey it. Concerning the first there is no difficulty. The idea asserted to be conveyed is, "that the arrangement made between Mr. Erskine and Mr. Smith was entered into, by the American government, with a knowledge that the powers of Mr. Erskine were incompetent for that purpose." It would save a world of trouble, if the expressions in which this idea is said to be conveyed were equally easy of ascertainment. But on this point, those gentlemen, who maintain this insult, are far from being agreed. Some being of opinion, that it is to be found, in one place, some in another, and others again assert that it is to be found, in the whole correspondence taken together. Never was an argument of this nature before so strangely conducted. Gentlemen seem wholly to lay out of sight, that this resolution pledges this house to the assertion of a particular fact, and expresses no general sentiment concerning the conduct of Jackson, or the conduct of his government. Yet, as if the whole subject of British relations was under discussion, they have deemed themselves at liberty to course through these documents, collect every thing, which seems to them indecorous, insolent, or unsuitable in Mr. Jackson's language, and add to the heap, thus made, the whole list of injuries received from Great Britain, impressments, affair of the Chesapeake, murder of Pierce; and all this, for what purpose? Why, truly, to justify this house in making a solemn asseveration of a *particular fact*! As if any injury in the world, could be even an apology for the deliberate utterance of a falsehood. Let the conduct of Mr. Jackson, or of Great Britain, be as atrocious as it will, if the fact, which we assert, do not exist, we and this nation are disgraced. It is evident then, that irksome as such a task is, it is necessary that we should submit to a precise inquiry into the truth of that to which we are about to pledge our reputation, and that of this people.

In our investigation, let us follow the natural course that is pointed out in the resolution. This alleges that the obnoxious expressions are contained, in the letter of the 23d of October, and to this limits our assertion. In this letter, therefore, either directly, or by way of reference to some other, this obnoxious idea, or insinuation, must be found. For if it be not in this, even if it should be contain-

ed in other parts of the correspondence, which is not, however, pretended, still our assertion would be false. Concerning this letter of the 23d of October, I confidently assert, without fear of contradiction, that the obnoxious idea, if contained in that letter, is conveyed in the paragraph I am now about to quote. No man has pretended to cite any part of this letter, as evidence of the asserted insult, except the ensuing, and although there is not a perfect coincidence in opinion, as to the particular part, in which it resides, yet all agree, that it lurks somewhere in this paragraph, if it have any dwelling-place in this letter.

“ I have therefore no hesitation in informing you, that his majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman’s instructions, and altogether without authority to subscribe to the terms of it. These instructions I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th inst. were, at the time, in substance, made known to you; no stronger illustration therefore can be given of the deviation from them, which occurred, than by a reference to the terms of your agreement. Nothing can be more notorious than the frequency with which in the course of complicated negotiation, ministers are furnished with a gradation of conditions, on which they may be successively authorised to conclude. So common is the case, which you put hypothetically, that in acceding to the justice of your statement, I feel myself compelled to make only one observation upon it, which is, that it does not strike me as bearing upon the consideration of the unauthorised agreement concluded here, inasmuch as in point of fact Mr. Erskine had no such graduated instructions. You are already acquainted with that, which was given, and I have had the honor of informing you, that it was the only one, by which the conditions on which he was to conclude were prescribed. So far from the terms, which he was actually induced to accept, having been contemplated in that instruction, he himself states that they were substituted by you, in lieu of those originally proposed.”

I have quoted the whole paragraph, because, in that obscure and general mode of argument, in which gentlemen have indulged, it has been read as that entire portion, in which the insult is conveyed. It is difficult to conceive how some parts of this paragraph can be thought to convey any insult. However, in prosecution of my plan, I shall first exclude all those parts in which the obnoxious idea cannot be pretended to exist, and then limit my investigation to that part in which it must exist, if in the letter of the 23d of October, it be conveyed at all.

With respect to the first sentence in this paragraph, I say confidently, that the insult is not contained there. It is simply a declaration of the causes of the disavowal, so far from including the obnoxious idea of a knowledge in our government of the incompetency of Erskine’s powers, that in a manner it excludes that idea, by enumerating violation of instructions, and want of authority as the only causes of the disavowal. In the first sentence then the insult is not

I pass by the second, as it will be the subject of a distinct examination hereafter. The third and fourth sentences it will not even be pretended, convey this obnoxious idea. They simply acknowledge the frequency of graduated instructions, and assert the fact, that Mr. Erskine's were not of that character. In this there is no insult. As little can it be pretended to exist in the fifth sentence. It merely asserts that Mr. Smith, "*already*," that is, at or before the time Mr. Jackson was then writing, is acquainted with the instructions (a fact not denied and not suggested to be an insult) and that the fact of these instructions being the only ones, Mr. Smith knows *from the information of Mr. Jackson*; an assertion, which so far from intimating the obnoxious idea of a knowledge in Mr. Smith at the time of the arrangement with Mr. Erskine, that it conveys a contrary idea, by declaring that he was indebted for it to his, Mr. Jackson's information. Here then the insult is not. With respect to the last sentence in this paragraph, the only assertions it contains are the fact that the terms accepted were not contained in the instructions, and the evidence of this fact, derived from the statement of Erskine that those acceded to were substituted by Mr. Smith in lieu of those originally proposed. In all this, the knowledge of Mr. Smith of the incompetency of Mr. Erskine's powers is not so much as intimated. Indeed no one has pretended directly to assert that they have found it in the parts of this paragraph, from which I have thus excluded the obnoxious idea. Yet as the whole has been cited and made the basis of desultory declamation, I thought it not time lost, to clear out of the way all irrelevant matter, and to leave for distinct examination the only sentence of this paragraph, in which the insult lurks, if it have any existence in this letter. This point we have now attained. And as little inclined as gentlemen may be to precise investigation, they must yield to it. I say therefore, confidently, and without fear of contradiction, that if the assertion contained in this resolution be capable of justification, by any part of the letter of the 23d of October, it is by the following, the only remaining sentence of the cited paragraph, which I have not yet examined: "*These instructions I now understand by your letter, as well as from the obvious deduction, which I took the liberty of making in mine of the 11th inst. were, at the time, in substance, made known to you; no stronger illustration, therefore, can be given of the deviation from them, which occurred, than by a reference to the terms of your agreement.*" The latter part of this sentence being merely a conclusion from the preceding part, and having no relation to the knowledge of our government at the time of the arrangement, will be laid out of consideration, as being obviously wholly without the possibility of any agency in conveying the obnoxious idea.—There remains only the preceding part of this sentence for the residence of the insult. Here, if any where, it must exist. Accordingly this is usually shewn as the spot where the ghost of insinuation first appeared before the eyes of our astonished administration. Here we shall again find it; unless, indeed, it were in fact a mere delusion of the

fancy, formed of "such stuff as dreams are made of." Let us examine by way of analysis.

The sentence, to which the advocates of this insulting insinuation are now reduced contains, first—a fact asserted : second—the sources from which a knowledge of that fact is derived. The fact asserted is, that "the instructions were, at the time, in substance, made known to you." The sources stated are Mr. Smith's "letter of the 19th October, and the obvious deductions in his, (Mr. Jackson's letter of the 11th." The question is whether in either of these branches or in both taken together, directly, or in the way of reference, the following idea is by any fair construction conveyed, viz. "That at the time of the arrangement with Mr. Erskine, the government of the United States had a knowledge of the incompetency of Erskine's power."

Previous to proceeding further, I wish to make a single observation, by way of illustrating the nature and strength of the argument I shall offer. To induce this house to adopt a resolution so pregnant with consequences to the hopes and character of this people, it cannot be sufficient merely to shew that the insinuation, on which their assertion is predicated, *may* be conveyed, it will require certainty that *not only this idea is, but also, that no other possibly can be.* Surely if it be possible to shew, or even make it probable, that another and an innocent idea may be conveyed, this house will never consent to make an assertion of such high responsibility, on such dubious ground. For the purpose of defeating this resolution, it would therefore be amply sufficient for me to show, that an idea, other than the obnoxious one, *may* be conveyed. But I do not limit myself to this task, I undertake to show not only that another idea than the obnoxious one *may* be conveyed, but that *another is, and that the idea as asserted, in this resolution, is not, and by any fair construction of language cannot possibly be conveyed, by these expressions.*

The question recurs, *in the fact asserted*, in this sentence, is the knowledge of our government of the incompetence of Erskine's powers intimated? So far from conveying such an idea that it intimates nothing concerning the knowledge of our government, in relation to the general state of Mr. Erskine's powers. The simple assertion is, "you knew *the substance* of those instructions" because you admit you knew the conditions, and I tell you these were the substance. So far from this assertion conveying the idea of a knowledge in our government of the general state of Mr. Erskine's power, that if Mr. Jackson had here expressly asserted, that these instructions were shewn *in extenso* to our government, although this, after the denial of Mr. Smith, might have been an insult, yet it would not have conveyed the obnoxious idea, nor authorised this resolution, unless he had also asserted, or it was a fact, that those instructions included an exclusion of all other powers. Because the assertion of the knowledge of a particular power, which does not include such an exclusion, can never convey the idea of the general incompetency of the agent. In order to make my argument distinct, I will state it more

generally. If a particular power contain an exclusion of all other powers, except those expressed in it, then, an assertion, that this particular power was known may convey the idea of a knowledge of the general incompetency of the agent. But if such particular power do not in fact contain an exclusion of all other powers, then to assert, that this particular one was known, can never convey the idea of a knowledge of such general incompetency. In this case it is not even suggested that the instructions, in question, did include any such exclusion of other powers. An assertion, therefore, that they were known can never convey the idea of a general knowledge of the incompetency of the agent, unless, a part can be made to include the whole, and an assertion, that one thing is known can be made to convey the idea that every thing is known. If then an assertion of a knowledge, in our government, of the instructions *in extenso*, would not have conveyed the idea of a general knowledge of Mr. Erskine's powers; by much stronger reason a simple assertion, that only *the substance* of those instructions was known cannot convey that idea. I say, therefore, that so far as respects the fact, here asserted, not only another idea than the obnoxious one, *may be* conveyed, but that another idea is, and that the idea this resolution asserts, cannot by any possibility be conveyed. So that if this idea is to be found any where, in this letter of the 23d of October, it must be in consequence of the reference to the two letters of the 19th and the 11th which Mr. Jackson says were the sources by means of which he understood the fact, he asserts. Into these letters, therefore, we must look after the insulting idea, for we have now shewn that it is not in the letter of the 23d of October, unless it be by virtue of this reference.

With respect to Mr. Smith's letter of the 19th, the assertion "I understand by your letter (that of the 19th) that the substance of these instructions was known to you," has been represented as insolent. So far from being insolent, it is not so much as a contradiction. Mr. Smith says, "I knew the three conditions." "That is what I say," replies Mr. Jackson, "you knew the substance, because I tell you that those three conditions were the substance." Here is no contradiction. The only fact open to dispute is, whether the three conditions were the substance. Mr. Jackson indeed asserts, but Mr. Smith does not deny this fact. He only admits, that he knew the three conditions; neither admitting nor controverting the fact asserted by Mr. Jackson, that they were the substance. But, taking it for granted that this assertion was insolent, general insolence is no justification to this house for asserting a particular fact. It is enough, however, for the present argument to observe, that the obnoxious idea, which is the basis of the resolution, cannot be conveyed by means of this reference to the letter of the 19th, not only from the argument just now adduced, and shewing that even the assertion that these instructions were known *in extenso* would not have conveyed that idea, but also from this farther consideration, that no gentleman has pretended that it was in consequence of this reference to that letter that this obnoxious idea was conveyed.

The advocates of this insult and of this resolution are, therefore, driven back to the letter of the 11th. If it be not found here, it can be found nowhere, at least to justify this resolution. With respect to this letter of the 11th, we are subjected to the same difficulty to which we were reduced in relation to the letter of the 23d. Many passages have been read for the purpose of general comment, to which in pursuance of my plan, I shall make no allusion. I confine myself only to those passages, which have been cited to prove the particular idea asserted in this resolution. None of these I shall omit. With any thing else, under this resolution, we have nothing to do, unless we are willing, by suffering extraneous influence to operate to mislead our own judgments and to deceive our fellow-citizens.

The following paragraph in the letter of the 11th of October, is the first, and the one principally relied upon, to prove the existence of that obnoxious insinuation which is the basis of the resolution. "I observe, that in the records of this mission, there is no trace of a complaint, on the part of the United States, of his majesty having disavowed the act of his minister. You have not in the conferences we have hitherto held, distinctly announced any such complaint, and I have seen with pleasure, in this forbearance on your part, an instance of that candor, which I doubt not will prevail in all our communications, inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act, done under such circumstances as *could only* lead to the consequences that have actually followed." Here is the insult, the advocates of this resolution assert in a sort of embryo state. Let us look at it through the spectacles of the friends of the administration, without any disposition to distort or to change any of its proportions. The features of this insult, say these gentlemen, consist in this; first in referring to the thoughts of Mr. Smith—2d, in intimating that his thoughts must have been such as to satisfy him, that it was unreasonable to complain of an act done under such circumstances. In this the insult consists. In other words, in this the obnoxious idea is conveyed; because it implies a knowledge in Mr. Smith, that it was done under circumstances, which *could only* lead to a disavowal. Now, say they, the circumstance, which *could only* lead to a disavowal, is a knowledge in Mr. Smith at the time of the arrangement of the incompetency of Mr. Erskine's powers. Thus, say they, the knowledge of that incompetency is implied, and the idea asserted in this resolution, conveyed. This is a fair and full statement of their argument. I reply—I do agree that these expressions do imply a knowledge in Mr. Smith, that it was done under circumstances which could only lead to a disavowal. But it does not imply that this knowledge existed in Mr. Smith *at the time of the arrangement made*; but on the contrary, does imply and can imply only, a knowledge in Mr. Smith *at the time of the disavowal known*. The former is the only implication which can possibly be obnoxious, the latter is most innocent, because at the time of the disavowal known, the circum-

stances which led to that disavowal were communicated. An intimation of this knowledge, in Mr. Smith, could not but be, therefore perfectly inoffensive. That these expressions cannot imply a knowledge in Mr. Smith at the time of the arrangement made, and can only imply a knowledge in him, at the time of the disavowal known, I argue from this fact, that the only time intimated is the time, when Mr. Smith "could not but have thought it unreasonable to complain of the disavowal." Now Mr. Smith could not have begun to think of complaining of the disavowal, until the disavowal was known to him; and with that knowledge came also the knowledge of the circumstances which led to it. Nothing therefore can be more plain, than that the time here implied, is the time after disavowal known and not the time of the arrangement made. The fair construction of these expressions is "you must have thought it, Mr. Smith, unreasonable to complain after you knew of the disavowal, for that knowledge apprised you that the act was done under circumstances, which *could only* lead to a disavowal." I say therefore that the idea asserted in this resolution, (a knowledge in Mr. Smith, at the time of the arrangement) is not conveyed in this paragraph, another idea is conveyed, viz. a knowledge at the time of disavowal known. I say farther, that the idea of knowledge and incompetency of Mr. Erskine's powers, in Mr. Smith at the time of the arrangement cannot by any possibility be conveyed, unless the assertion of a knowledge, existing at a time subsequent, can be made to express such knowledge, limited to a time antecedent. The only knowledge implied is subsequent to disavowal, and so by no possibility can be wrested to express the state of knowledge at a time antecedent to disavowal.

The ensuing paragraph I cite at large, because it has been quoted by some of the advocates of this resolution as containing the obnoxious idea, although it requires only a single perusal to satisfy any mind that it is impossible that the far greatest part of it can contain any thing offensive. It is the only paragraph, remaining unexamined which has been thus quoted and will require a very short elucidation. "It was not known when I left England, whether Mr. Erskine had according to the liberty allowed him, communicated to you, *in extenso*, his original instructions. It now appears that he did not. But, in reverting to his official correspondence, and particularly to a despatch addressed on the 20th of April to his majesty's secretary of state for foreign affairs, I find that he there states, that he had submitted to your consideration, the three conditions specified in those instructions as the ground work of an arrangement, which according to information received from this country, it was thought in England might be made with a prospect of great mutual advantage. Mr. Erskine then reports *verbatim et seriatim* your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been concluded between you that these latter were an equivalent for the original conditions, but the very act of substitution evidently shews that those original conditions were in fact very explicitly communicated to you, and by you of course laid before the president for

his consideration. I need hardly add, that the difference between these conditions and those contained in the arrangement of the 18th and 19th of April is sufficiently obvious to require no elucidation, nor need I draw the conclusion which I consider as admitted by all absence of complaint on the part of the American government, viz. that under such circumstances his majesty had an undoubted and incontrovertible right to disavow the act of his minister."

On this passage it is only necessary to remark, that so far as it respects the assertion, that Mr. Erskine had submitted to Mr. Smith the three conditions specified in those instructions, the fact is admitted by Mr. Smith; that so far as it respects Mr. Jackson's assertion that Mr. Erskine reports, in his official correspondence, the reasons which induced Mr. Smith to think that others might be substituted in lieu of them, that it is not denied by Mr. Smith. For in his letter of the 19th Mr. Smith referring to this subject, expresses himself very cautiously, that Mr. Erskine "*on finding his first proposals unsuccessful, the more reasonable terms, comprised in the arrangement respecting the orders in council were adopted,*" without denying, as he would, if it had been false, and he had thought it material that he had offered "reasons to Mr. Erskine, which induced Mr. Smith to think that others might be substituted in lieu of them." But whether true or false, the assertion that Mr. Smith had offered such reasons to Mr. Erskine can never, by any fair construction, be made to convey the idea that Mr. Smith knew that Mr. Erskine's powers were limited to the three conditions, or, in other words, that Erskine's powers were incompetent. Upon the next sentence the gentleman from Pennsylvania (Mr. Milnor) lays great stress, asserting, that "*it conveys the idea that Mr. Smith had over-reached Mr. Erskine.*" Concerning this sentence my first assertion is, that whatever else it may convey, it can never convey the idea asserted in this resolution. For, certainly, to say of two classes of conditions under consideration, that Mr. Smith and Mr. Erskine concluded together, that the one was equivalent to the other, can only imply a comparison and a knowledge of those classes, and by no possibility can imply the state of Mr. Smith's knowledge in relation to Mr. Erskine's right to conclude concerning either of them. So that for all the purposes of supporting this resolution, it is utterly useless, whatever other demerit it may have. The strenuousness of the gentleman from Pennsylvania (Mr. Milnor) on this point, shews the crude ideas, which even he, usually so acute and correct, entertains concerning his duties on this occasion. His great aim was to shew that Mr. Jackson here intimates the idea that Mr. Smith had over-reached Mr. Erskine. Well, suppose he had said this directly in so many words. Would that justify this house in voting that Mr. Jackson had conveyed the idea asserted in this resolution? It is the universal fallacy, prove any thing rude or indecent, and it is a sufficient justification of this house, for asserting a particular, independent fact. Is it possible for any mode of conduct to be more unjustifiable, or thoughtless; more calculated to bring shame upon ourselves, and disgrace upon the nation?

The next and last sentence in this paragraph is merely a declaration of the obvious difference between the conditions in the instructions and those contained in the arrangement, accompanied by a reference, by way of recapitulation to the circumstances alluded to, in the paragraph which has been before considered. As it has been shewn, that this paragraph did not contain the obnoxious idea, it needs no argument to show it is not contained in this sentence. Indeed, I have not heard it pretended, that this is the place of the insult.

I have thus far proceeded by way of a strict analysis of every part of the correspondence, in which the insulting idea, asserted in this resolution, has been said to be conveyed. I have omitted no part, which has been cited in support of this first resolution, and think I have shewn that it exists nowhere in the letter of the 23d of October, either in direct assertion, or by way of reference. And it is concerning, what is contained in that letter alone, that the resolution under consideration makes assertion. The house will observe that according to all rules of fair reasoning, it would have been sufficient for me to have limited myself to shew the fallacy of the arguments of the advocates of this insult. It being always incumbent on those who assert the existence of any thing, to prove it. I have not, however, thought my duty on so important an occasion fulfilled, unless I undertook to prove what the lawyers call "a negative" and to show, with as much strength of reasoning as I had, the non-existence of the idea, asserted in this resolution. With what success, I cheerfully leave to the decision of such thoughtful men, in the nation, who will take the trouble to understand the argument. There is however a corroborative view of this subject, which ought not to be omitted.

The insulting idea, said to be conveyed, is, that Mr. Smith had a knowledge, at the time of the arrangement of the incompetency of Erskine's powers; and this because such a knowledge was one of the essential circumstances, which *could only* lead to a disavowal. Now it does happen, that neither Mr. Erskine nor his government enumerate this knowledge of our government as one of those essential circumstances. On the contrary, they constantly omit it, when formally enumerating those circumstances. Mr. Canning places the disavowal, solely, on the footing of Mr. Erskine's having "acted not only not in conformity, but in direct contradiction to his instructions." —Mr. Jackson, also, in his letter of the 23d, when formally enumerating the causes of the disavowal, says expressly, that the disavowal was "because the agreement was concluded in violation of that gentleman's instructions and altogether without authority to subscribe to the terms of it." Now is it not most extraordinary that after such formal statements, not including, the knowledge of our government among the essential circumstances, that it is on this knowledge the British government intend to rely, for the justification of their disavowal? I simply ask this question, if the British did intend thus to rely, on the previous knowledge of our government, why do they always omit it, in their formal enumerations? And if they do not in-

tend, thus to rely, in what possible way could it serve that government, thus darkly to insinuate it? But, as if it were intended to leave this house wholly without excuse, in passing this resolution, this Mr. Jackson expressly asserts, in this very letter of the 23d, of October, that the information of that fact *was derived from him*, the knowledge of which, this resolution asserts to be intended to intimate was known at the time of the arrangement with Erskine. For he specifically says, "*I have had the honour of informing you that it*" (Mr. Erskine's instruction) "*was the only one, by which the conditions on which he was to conclude were prescribed.*" Now if Mr. Jackson had remotely intended to intimate that Mr. Smith had a previous knowledge of that fact, would he have asserted that he was indebted to him (Mr. Jackson) for the information? Conclusive as this argument is, there is yet another, in reserve, which is a clencher. And that is, that this very knowledge, which we propose solemnly to affirm Mr. Jackson intimated our government possessed at the time of the arrangement, it is, from the nature of things impossible they should have possessed. The idea asserted to be intended to be conveyed is a knowledge in our government that the arrangement was entered into, without competent powers, on the part of Mr. Erskine. Now the fact that Mr. Erskine's powers were incompetent, it was impossible for our government to know, except from the confession of Mr. Erskine. But Mr. Erskine before, at the time, and ever since has uniformly asserted the reverse. So that, besides all the other absurdities growing out of this resolution, there is this additional, that it accuses Mr. Jackson of the senseless stupidity of insinuating as a fact, a knowledge in our government, which from the undeniable nature of things it is not possible they should have possessed. Mr. Speaker, can any argument be more conclusive? 1. The idea is not conveyed by the form of the expression. 2. Mr. Jackson, though expressly enumerating the only causes which led to a disavowal, does not suggest this. 3. Mr. Jackson expressly asserts that the knowledge that these were the only instructions was derived from him, of course it could not have been known previous to the arrangement. 4. Had he been absurd enough to attempt to convey such an idea, the very nature of things shews that it could not exist. I confess, I am ignorant by what reasoning the non-existence of an insinuation can be demonstrated, if it be not by this concurrence of arguments.

Before I conclude this part of the subject, it will be necessary to make a single observation or two, on the following passage in Mr. Jackson's letter of the 4th of November, for although our assertion has relation in the part of the resolution under consideration, only to the letter of the 23d of October, yet this subsequent passage has been adduced as a sort of accessory after the fact. "You will find that, in my correspondence with you, I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation, where I was unable to substantiate a fact. To facts as I have become acquainted with them I have scrupulously adhered." This

the subsequent part of the resolution under debate denominates "the repetition of the same intimation." But if the argument I have offered be correct, there was no such "intimation" in the preceding letters, and of course no repetition of it here. For if he had, as I think I have proved, in his former letters uttered no such insinuation as is asserted, then all the allegations in this paragraph are wholly harmless and decorous; neither disrespectful nor improper. "But this" says the gentleman from Pennsylvania (Mr. Milnor) "is conclusive to my mind that Mr. Jackson did intend to insult; for if he had not, would he have refrained from giving an explanation, when it was asked." That gentleman will recollect, that the assertion of this house is as to the idea which Mr. Jackson has conveyed in the letter of the 23d, not as to the idea which he intended to convey. Suppose he intended it and has not done it, our assertion is still false. But will that gentleman seriously conclude, contrary to so obvious a course of argument, that he has asserted, or even intended to assert this particular idea, merely because he does not choose to explain it? Are there not a thousand reasons, which might have induced Mr. Jackson not to explain, consistent with being perfectly innocent of the intention, originally to convey it. Perhaps he thought that he had already been explicit enough. Perhaps he thought the explanation was asked in terms, which did not entitle Mr. Smith to receive it. Perhaps he did not choose to give this satisfaction. Well, that now, is "very ungentlemanly" says the gentleman from Pennsylvania, (Mr. Milnor.) I agree, if he pleases; so it was. But does that justify this resolution? Because he is not a gentleman shall we assert a falsehood?

I briefly recapitulate the leading points of my argument. When Mr. Jackson asserts "that the substance of the instructions was known to our government," the expression cannot convey the obnoxious idea, because it is not pretended that, in those instructions the existence of other powers was excluded. When he says, "you must have thought it unreasonable to complain of disavowal," the time of knowledge implied is confined by the structure of the sentence to the time of disavowal known and cannot be limited backwards to the time of arrangement made. It is also absurd to suppose that Mr. Jackson would intimate by implication the knowledge of our government of Erskine's incompetency of powers at the time of arrangement as an essential circumstance, on which the king's right of disavowal was founded, and yet omit that circumstance, in a formal enumeration, and lastly, it is still more absurd to suppose that he would undertake to insinuate a knowledge which from the nature of things could not, possibly exist.

I have thus, Mr. Speaker, submitted to a strict and minute scrutiny all the parts of this correspondence which have been adduced, by any one in support of the fact asserted in this resolution. This course, however irksome, I thought it my duty to adopt, to the end that no exertion of mine might be wanting to prevent this house from passing a resolution, which in my apprehension is pregnant with national disgrace and other innumerable evils.

But let us suppose for one moment, that the fact asserted in this resolution is true ; that the insult has been offered ; and that the proof is not obscure and doubtful, but certain and clear. I ask ; is it wise ; is it politic, is it manly for a national legislature to utter on any occasion, particularly against an individual, invectives so full of contumely and bitterness ? Shall we gain any thing by it ? Have such expressions a tendency to strengthen our cause, or add weight and respectability to those who advocate it ? In private life do men increase respect, or multiply their friends, by using the language of intemperate abuse ? Sudden anger may be an excuse for an individual. Inability to avenge an insult may afford an apology to him, for resorting to these women's weapons. But what can excuse a nation, for humiliating itself to the use of such vindictive aspersions ? Can we plead sudden rage ? We on whose wrath thirty suns have gone down ? Is this nation prepared to resort for apologies to its weakness, and to confess that, being unable to do any thing else, it will strive to envenom its adversary with the tongue ? But our honor is assailed. Is this a medicament for its wounds ? If not, why engage in such retaliatory insults ? Which is best, to leave the British monarch at liberty to decide upon the conduct of his minister, without any deduction or sympathy on account of our virulence, or to necessitate him, in measuring out justice, to put your intemperance in the scale against his imprudence ? Railing for railing is a fair offset all over the world. And I ask gentlemen to consider, whether it be not an equivalent for a constructive insinuation ?

Mr. Speaker, I do not believe that the hand of the chief magistrate of this nation is in this thing. In every aspect this resolution is at war with that wise and temperate ground on which he has placed the insult, in the letter to Mr. Pinkney. " You are particularly instructed, in making those communications to do it, in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means, the best calculated to establish the relations of the two countries on the solid foundation of justice, of friendship and of mutual interests." Is there a man in this house, who can lay his hand on his heart and say, that by adopting this resolution, we are about " to unite in all means the best calculated to establish the relations of the two countries on the solid foundations of justice, friendship and mutual interest ?" I hesitate not to say, that there is no man who can make such an asseveration.

But, if it would be wise and politic to refrain from uttering this opprobrious resolution, in case the insult was gross, palpable, and undeniable, how much more wise and politic if this insult be only dubious ; and has, at best, but a glimmering existence ? but suppose the assertion contained in this resolution be, as it appears to many minds, and certainly to mine—false, I ask what worse disgrace, what lower depth of infamy can there be, for a nation, than deliberately to assert a falsehood, and to make that falsehood the groundwork of a graduated scale of atrocious aspersions upon the character of a public minister.

When I say that the assertion contained in this resolution is false, I beg gentlemen distinctly to understand me. I speak only as it respects the effects of evidence upon my mind. I pretend not to make my perceptions the standard of those of any other. I know the nature of the human mind, and how imperceptibly, even to our selves, passion, and preconception will throw, as it were, a mist before the intellectual eye, and bend or scatter the rays of evidence before they strike on its vision. On a question of this kind, as I would not trust the casual impressions of others, so I have been equally unwilling to trust my own. I have therefore submitted the grounds of my opinion to a rigid analysis. The process and the result of my reasonings I have laid before this house. If that which to me appears a palpable falsehood, to others appears a truth, I condemn not them. I can only lament such a diversity on a point, which, in its consequences, may be so important to the peace and the character of the country.

But this resolution was devised for the purpose of promoting unanimity. Is there a man in this house who believes it? Did you ever hear, Mr. Speaker, that language of reproach and of insult was the signal for conciliation? Did you ever know contending parties made to harmonize in terms of insult, of reproach and contumely? No sir. I deprecate this resolution on this very account, that it is much more like the torch of the furies, than like the token of friendship. Accordingly, it has had the effect of enkindling party passions in the house, which had begun, in some degree, to be allayed. It could not possibly be otherwise. A question is raised concerning a *constructive insult*. Of all topics of dispute, those relative to the meaning of terms are most likely to beget diversity and obstinacy in opinion. But this is not all. On a question merely relative to the construction of particular expressions, all the great and critical relations of the nation have been discussed. Is it possible to conceive that such a question as this, on which the debate has been thus conducted, could be productive of any thing else than discord and contention?

For my own part, I have purposely, avoided all reference to any of the great questions which agitate the nation. I should deem myself humiliated to discuss them, under a resolution of this kind, which in truth decides nothing, but our opinion of the meaning of Mr. Jackson's language, and our sense of its nature; and has, strictly speaking, nothing to do with any of the national questions, which have been drawn into debate.

I declare, therefore, distinctly, that I oppose and vote against this resolution from no one consideration relative to Great Britain or the United States; from none of friendship or animosity to any one man, or any set of men. But simply and solely for this one reason, that in my conception the assertion contained in this resolution is a falsehood.

But it is said that this resolution must be taken as "a test of patriotism." To this I have but one answer. If patriotism ask me to assert a falsehood, I have no hesitation in telling patriotism, "I am

not prepared to make that sacrifice." The duty we owe to our country is indeed among the most solemn and impressive of all obligations. Yet high as it may be, it is nevertheless subordinate to that, which we owe to that Being, with whose name and character *truth* is identified. In this respect, I deem myself acting upon this resolution under a higher responsibility than either to this house or to this people.

The resolutions referred to by Mr. Quincy, and which were finally adopted by both Houses are as follows :

" Resolved by the Senate and House of representatives of the United States of America in Congress assembled, That the expressions contained in the official letter of Francis James Jackson, Minister Plenipotentiary of his Britannic Majesty near the United States, dated the 23d day of Oct. 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea, that the executive government of the United States had a knowledge that the arrangement lately made by Mr. Erskine, his predecessor, on behalf of his government, with the government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose, were highly indecorous and insolent; that the repetition of the same intimation in his official letter dated the 4th of November, 1809, after he was apprized by the asseveration of the Secretary of State that the Executive government had no such knowledge, and that if it had possessed such knowledge such arrangement would not have been entered into on the part of the United States, and after also being officially apprized that such intimation was inadmissible; was still more insolent and affronting; and that in refusing to receive any further communications from him in consequence of these outrageous and premeditated insults, the Executive government has manifested a just regard to its own dignity and honor as well as to the character and interest of the American people.

That the letter signed Francis James Jackson, headed "Circular," dated the 13th of November, 1809, and published and circulated through the country, is a still more direct and aggravated insult and affront to the American people, and their government, as it is evidently an insidious attempt to excite their resentments and distrusts against their own government by appealing to them, through false or fallacious disguises, against some of its acts; and to excite resentments and divisions amongst the people themselves, which can only be dishonorable to their own characters, and ruinous to their own interests; and the Congress of the United States do hereby solemnly pledge themselves to the American people and to the world to stand by and support the Executive government in its refusal to receive any further communications from the said Francis James Jackson, and to call into action the whole force of the nation if it should become necessary in consequence of the conduct of the Executive government in this respect, to repel such insults and to assert and maintain the rights, the honor, and the interests of the United States."

There does seem something very like mystery enveloping the whole of Mr. Erskine's arrangement. Until further and more decisive evidence is obtained, it is neither the part of prudence or patriotism to hazard an opinion on the question which party must bear the reproach of its rejection. Mr. Erskine probably receives his political creed by the right of inheritance. His father the late lord Chancellor of England was a political proselyte to Mr. Fox, and at the time of the separation of Fox and Burke, in the early stages of the French revolution when the former gentlemen was deserted by almost all his party; Mr. Erskine, Mr. Sheridan, the present lord Grey and a few others remained firm to their posts. The late Mr. Pitt's influence was at that time almost as overwhelming in Parliament as in the Cabinet. It required no ordinary fortitude to "breast the torrent" of ministerial influence. The alarm that the constitution was endangered pervaded all ranks and grades of the community, the most opulent peer of the realm and the poorest mechanic in his shop trembled alike for the security of the crown. The horrible outrages perpetrated by the French Revolutionists, their decapitation of their monarch, their confiscations, imprisonments, and judicial murders were charged by the ministerial party on those of their political opponents who espoused the cause of parliamentary reform. Societies formed for that purpose were denounced to the nation, and their principal characters were arrested and tried for high treason. Notwithstanding their acquittal followed, still the alarm did not sensibly subside; the late learned and excellent chief justice Eyre, who presided at the trials participated in the popular reproach attendant on their acquittal. The present lord Erskine as before remarked even in those times did not forsake his political leader, nor could all the libels which the ministerial writers fulminated against him shake his constancy in the least.

After the death of Mr. Pitt, lord Grenville who had been for a long time his political associate and who afterwards forsook him formed a coalition between his party and that of Mr. Fox. Mr. Fox was appointed secretary for foreign affairs, and Mr. Erskine was made lord high chancellor of the kingdom. As Mr. Fox had unqualifiedly condemned the present contest in which Great Britain is engaged from its commencement down throughout its various stages of victory and defeat, warm hopes were entertained by the people that under his auspices, peace would be restored to the empire. What would have been the eventual success of Mr. Fox's negotiation, whether those hopes would have been realized or not, it is now needless to inquire, the death of Mr. Fox put an end to that ministry. The other members of administration resigned and were succeeded in office by Mr. Canning, Lord Castlereagh and others who advocated the policy of Mr. Pitt. It was during this ministry that American affairs assumed so portentous an appearance. It was at this time that a new principle was assumed and acted upon in the cabinet, viz. the right of a belligerent to retaliate on neutral commerce the outrages perpetrated by the other hostile party. This pernicious doctrine has been attended with consequences truly alarm-

ing. It has awakened all our political antipathies, rekindled, all our resentments, and introduced even in our diplomatic communications unusual asperity of language. From France we had been by her previous deportment led to expect nothing better than outrage. Hostile as she had hitherto been, the ocean still remained a barrier against the perpetration of her threats.

When England with a navy potent enough to enforce an execution of this principle, the right of one belligerent to perpetrate on neutrals the enormities of the other, avowed it, it seemed almost a recognition of the mandate of Buonaparte "that there should be no neutrals." Mr. Erskine was appointed minister to this country, when his father shared in administration and was continued as such during the administration of Mr. Canning. His father had all along reprobated the pernicious policy of Mr. Canning. We conceive it beyond all doubt, that the minister was equally hostile to such policy. Now it may be made a question how far a minister seduced by the force of his own feelings and compelled to act on a system which he believed to be wrong and indefensible, was excusable in embracing the first opportunity to abandon such policy. Believing that the friendship of America in a contest so important, was worth more to England than her orders in council, he might inadvertently and perhaps innocently have stepped beyond his instructions to obtain it. Mr. Canning on the other hand, the ostensible parent of this system, might from obvious motives have been induced to look on the diplomatic agency of Mr. Erskine, with an eye of rigid and punctilious observance. He is we believe the first minister that ever in diplomatic communications so far abandoned decorum as to make such compositions the vehicles of sarcasm and invective. His compositions of this nature are full of epigrammatic points, covert sneers, insulting pity and dark allusions, as our present minister at the court of St. James's can testify. In this species of diplomatic warfare, we believe this minister unparalleled. The situation of Mr. Erskine under such a master, we conceive to be peculiarly delicate. His difficulty was to act as a kind of mediator between Mr. Canning's system of policy and his own conviction of its injustice. Common charity irresistibly compels us to the belief that he acted under the full persuasion of the competency of his powers. He asserted and re-asserted that he had his majesty's commands to make an arrangement which his majesty has since formally disavowed. He could not but have acted conscientiously as no man would have incurred such a load of awkward responsibility without a firm conviction that he was authorised so to act. This was a case in which there was no alternative between honour and disgrace. Whether he is eventually entitled to the one or to the other, is a question to be decided between him and his own court in which it does not become us to intermeddle.

CHAPTER VIII.

THE fate of Mr. Erskine's arrangement—the disavowal by the cabinet of St. James'—the unfortunate turn of Mr. Jackson's mission all conspired to enkindle popular resentments. The outrages on our national independence which had been in a measure smothered by negotiation, although unatoned for, now appeared in all their enormity and seemed to endanger all further attempts at conciliation. Whether from a just jealousy of our national dignity or from artificial expedients from whatever cause the public mind was stung and inflamed to an irritability peculiarly alarming. Palliative measures were now considered as reproachful to adopt; the hour was come when a great mass of the people loudly demanded vengeance. The approximating session of congress was looked for with anxiety by all classes, and expectation was on tip-toe to pry into the result. The message of president Madison although couched in temperate language did not serve to repress the fears of one party, or to invigorate the hopes of the other. By the party denominated federal, it was considered as a forewarning of more serious hostilities in the contemplation of the cabinet which would in time be promulgated through other channels. The party denominated republican drew different inferences as that was now divided. One section seemed disposed to adopt more energetic measures for defence than had hitherto been adopted, and to make vigorous preparations for war. They deemed the cup of reconciliation drained to the dregs, and that all further attempts of this kind were little better than a complete prostration of our national independence. They therefore zealously resisted every bill that went to that object, and loudly demanded measures more decisive and energetic. Another section of the republican party were not disposed to think our wrongs and indignities utterly beyond the reach of further negotiation. They did not conceive our independence at stake in a renewal of the attempt, or to speak with more propriety in leaving the door of accommodation still open. They therefore persevered in pursuing the old system of policy adopted under Mr. Jefferson's administration, and deprecated all measures that led to an open rupture. The other section equally determined, refused to adopt for a longer time any palliative experiments. We need not recall to the readers recollection the steady opposition made to the restrictive system by the federal party, which during the last session of Congress they did not fail to renew. This state of the respective parties produced an uncouth, whimsical and reluctant coalition. The section of the republican party that deprecated a continuance of the system under which they had formerly acted, joined with the federalists in their opposition, in

the hope that more energetic measures would be resorted to. The federalists opposed the system on the grounds they had uniformly done. It is therefore a matter of some curiosity to peruse the debates and observe one section of the republican party opposing the measures as too violent, and another section as pertinacious in their opposition, because they were not violent enough. The result was that the session was as might have been expected, fretted away in asperity of debate. Opposition was so acrimonious and invincible, that little more than debate was accomplished. Without entering into the details of the measures that occupied the session so long in altercation, some general outline may not be unacceptable. The following extracts will serve to give a general character of the debates. A bill was brought in by the more moderate part of the republican party entitled "a bill concerning commercial intercourse with Great Britain and France and for other purposes." The principal provisions of the bill went to exclude the public and private ships of either belligerent from entering our ports and harbors, to interdict the importation of the produce or manufactures of either, except under certain specified conditions. The fate of the bill was, that the clauses that went to exclude ships of war of either belligerent from our ports and harbours were retained, and the other clauses were abandoned.

Mr. Ross said he was opposed to the passage of the bill before the house, because it was not suited to the present state of the foreign relations of the United States. In order to form a just idea of the bill (said he) we must enquire what can be done. We are reduced to this situation, that one of three courses must be adopted by this house. We must either abandon commerce and the ocean altogether; *or* suffer England to regulate commerce for us; *or* we must protect commerce by force. These are the only three courses left for this nation to pursue at the present crisis.

Is the nation prepared to abandon commerce altogether? Are the representatives of the people prepared for it? If their declarations convey their ideas, we are not prepared for such a state of things. It has been declared from all sides of this house that we would not submit to the principles contained in the British orders in council. To abandon the ocean, to yield up commerce, is submission to the British orders in council; and therefore I presume we are not prepared to take this course. Are gentlemen prepared to set the wealth of the nation afloat and to suffer England to regulate that small remnant of commerce which is left to us. If they are, they will vote for the bill under consideration. England at this moment tyrannizes over the sea and has as absolute control over the commercial world as Napoleon has over the European continent. She owes much of that power, in my opinion, to the feeble and inefficient measures pursued by the United States for years past. Whatever you may say upon paper, unless it contain some practical provisions of protection, she will continue to regulate your commerce, to give it such direction as she may think proper, and to enforce her orders in

council. I have understood that gentlemen say that they never will submit to the principles of the orders in council ; and therefore they cannot adopt this course of suffering England to regulate all our commerce. Then what is the course left for the United States to pursue? That of protecting their independence, protecting their commerce, sustaining their neutral rights by force. This is the only honourable course left for the American people and government to pursue, and being the only honourable course, all our measures are predicated on false principles, and will only tend to reduce us still lower in the estimation of foreign powers than we are already. I am aware that it is a maxim as old as the Roman government or older, than *in medio tutissimus ibis*, that the middle course is best. That maxim has been resorted to by us for years past. It has produced no good, has been found by experience to be inefficient in the present unexampled state of the world, and therefore I think it would be wisdom to abandon it. Is not the bill on the table still pursuing the middle course? Does it not contain the same principles which have been resorted to in different ways for years past? If it does, and gentlemen are satisfied that all those principles hitherto attempted to be enforced have been unavailing, why will they cling to such principles as the ark of our political salvation.

I am for *manly* resistance, and for declaring, in our laws, as well as in our speeches, that the embargo ground is no longer tenable. These reasons, I hope, will satisfy those who think I ought to sacrifice my opinions to that of a majority of any party, that I am correct in refusing to do so in this instance. Here I stand or here I fall on principles practically proved for ages past as the only ones calculated to meet a great crisis in our affairs, involving invasions of our rights and a total disregard of all the principles of justice or morality. It is a practical system—no fine-spun theory. It is a system known to be good by experience to meet diseases of this kind. Ages have approved it, wisdom has ratified it, and it is therefore that plan on which I should choose to risk my reputation, however small.

What is this bill, sir? What good is intended to be produced by it? They who brought it in appear to have very little faith in it, when they were willing to limit it to this session. Is your country in that tranquil situation or your foreign relations of that conciliatory nature that the legislature can be indulging themselves in enacting temporary provisions in which no five men agree as to the effects they will have or the manner in which they will operate? It is true, sir, that the gentleman who sits before me (Mr. Cutts) who is fully equal to giving information, has endeavoured to shew the house its operation. As far as I understood his reasoning it went to prove, not that this bill would produce any general beneficial effect, but that it would by repealing the non-intercourse law, permit lumber to be exported, which is the staple of his state, and too bulky to be smuggled out of the country, as the productions of other states are daily done under that law. This only proves the non-intercourse law should be repealed. Let that be done without a retention of its principles. If not, let it remain until the people in the commercial

states shall compel their representatives to adopt some practical remedy for the injuries they have received, and the evils they endure.

Really, sir, this bill appears to me to be a sort of *soft* given to *Cerberus* not to lull him to sleep, but to stimulate his vigilance ; not to induce him to unbar the gates of commerce, but to invite still further rapacity ; not to promote the good of the country, but to amuse the people a little longer.

Perhaps this bill might be useful were moral obligations felt and acknowledged by the great belligerents. But is that the case ? If not you ought to adopt measures calculated to meet the actual state of things. Indeed, sir, when I reflect on our situation, and hear gentlemen gravely advocate this bill as calculated to protect our commerce and prevent the injustice and restrain the violence of the belligerents, it reminds me of the anecdote of the Bedlamite, who talked rationally on all subjects except politics, but the moment that subject attracted his attention, that moment he exclaimed, " I and the Czar Peter hold the balance of Europe." We seem to talk rationally on every subject but commerce ; the moment that is touched we seem to forget that *power and force* are necessary to give efficacy to our laws : we seem to forget our commerce is as completely controlled by Great Britain as the Bedlamite was by the walls which surrounded him. The Czar may, for ought I know, eventually protect the rights of neutral nations, but we shall assist him, while we adhere to the principles contained in this bill, as the maniac did his predecessor—only in imagination.

On this point I have another authority. I confess that the authority which I shall quote has never been recognised by the great plenipotentiaries who met at the treaty of Westphalia, but it is of much older date, and has been sanctioned by all mankind. I mean *Æsop's* fables. He tells us that he met in the street a man who had been bit by a dog, and had in his hand a crust of bread dipt in the blood of the wound. " What are you going to do with it ?" asked *Æsop*. " I am instructed," replied the sufferer, " to give it to the dog who bit me, and it will ensure a cure." *Æsop* said, " take care none of the other dogs see you give it, or you will be bit by them all." Yes, sir, and this bill appears to me to be a crust of bread dipt in the wounds of this country, given to Great Britain, and I advise this house to beware that none of the other nations of Europe see you hand the crust, lest they bite you also. This tale is to be found in a book of as much wisdom if not as high a character as the writings of the famous Grotius, who was recognised (as a learned gentleman has told us) as good authority at the treaty of Westphalia. Let us therefore profit by its instructions.

But what is to be done, gentlemen ask. Why, sir, assume the tone of *manly resistance*. Forget not that you are descended of fathers who dared to assert their rights. Look back to '75 and '76. The nation was then an infant Hercules resting in his cradle ; we are now grown to manhood. And if the infant Hercules in his cradle did not fear to oppose the domineering conduct of Great Britain, why should Hercules, grown to manhood, dread her power ? We are told

that we have now no resources, that the treasury is impoverished, and therefore that the course which is the only one steering clear of submission cannot be resorted to. In what, sir, do the resources of this country consist? The resources of our country consist in the wealth and affluence of our citizens; and if they are wealthy and affluent, our treasury is always full. You possess the power to call a portion of it into the treasury whenever the emergency of affairs requires it, and the people will freely resign a portion of it to protect their rights when in danger. Who pretends to say that the people of this country are not affluent? We have it officially before us, that money to almost any amount, can be procured by loans; and though I am not one of those who approve of loans as a system, yet it must, in time of need, be resorted to—nay we must resort to it this very session. And to whom on this occasion must you resort? To the merchant whose rights you refuse to protect, and whose rights have been violated. What has reduced us to this situation? Crippling our commerce instead of protecting it. Indeed if I understood the gentleman from New-York, who was on the committee who reported the bill, in the different speeches which he has made on the subject, the bill under consideration does not beat in unison with his pulse. If it does not, and the principle on which it is predicated be radically wrong, I ask why he does not come forward and openly avow it? Let those who believe the principle of the bill to be good rally around it, and those who doubt take their own course, and vote against the bill, rather than for a doubtful expedient.

Why should we go to extremities? is asked. Sir, war ought to be avoided so long as it can with honor, so long as it can with any beneficial result. But are you not now at war, sir? Has not Great Britain invaded your rights? Has she not trampled on your independence? Has she not committed all the depredations she can? No gentleman can deny it, or that she will not now permit just what commerce suits her purposes, and no other. Are the people ripe for such a degradation? Is this house ready for it? If not, she has trampled on all your rights, and the question results—would it be more beneficial to abandon commerce altogether, and submit to the British orders in council, or to make a manly resistance and assertion of our rights. When gentlemen examine this subject to the bottom, it would seem to me that they would not hesitate for a moment to say that the only honourable and dignified course is a manly resistance.

What has Great Britain done to induce us to take this firm stand? She has destroyed all our commercial rights; we have not an iota of commerce but what we enjoy at her pleasure. At her pleasure? No; at the pleasure of an officer on board a frigate at sea. At her pleasure? No; at the pleasure of an inferior judge of an inferior court of admiralty. If gentlemen will attend to the injuries stated in the declaration of independence and to our present situation, they will find that our present corresponds with our then situation in almost every point. Great Britain has refused her assent to an equitable settlement of our differences; she has refused atonement for

the affair of the Chesapeake; she has cut up our trade with all parts of the world: she has plundered our seamen, ravaged our coast, and destroyed the lives of our people; she has constrained our fellow-citizens taken captive on the high seas to bear arms against their fellow citizens, to become instruments of oppression on their own people, and of the violation of our commercial rights; she has excited or attempted to excite the people of this country against their own government. In every stage of these oppressions we have sought redress by negotiation in the most humble manner. The cup of humiliation is filled to the brim. The world knows it—you must not shut your eyes against the fact, that you have no alternative, but an abandonment of the ocean and submission to great Britain, or the protection of our rights by force. Before you submit, burn your declaration of independence, tear down the emblems of liberty which adorn this splendid hall, and trample them under foot, that they may not exist to reproach us with a departure from the spirit of our fathers. I wish that the spirits of the departed heroes could rise in this assembly during the discussion of this question. If they had addressed you would they tell you of your weakness, or appeal to your fears by proclaiming your inability to protect your rights? They would banish such idle stuff from this hall.

Mr. Macon. I should like to be informed, whether the gentlemen who talk so much about war have turned their attention to the existing state of our commerce? Have they ascertained the number of sailors now in foreign ports, and on the high seas? Have they calculated the value of the ships and cargoes now out of the limits of the United States, so that they can inform the house the number of seamen and the amount of capital, which may be jeopardised by the adoption of war measures? Have they as a preparatory measure, advised that messengers should be immediately sent to Europe, and to the ports of Asia frequented by our merchant ships to inform our countrymen of their danger, and advise them to return home as soon as possible? Have they even thought of an embargo, to prevent the sailors, the ships and cargoes now at home from leaving the country? And whatever may be said at this day about an embargo, I agree to the truth of an observation, yesterday made by a gentleman from South Carolina (Mr. Taylor) that no administration, who acts wisely, ever will go to war, without first laying one to get the sailors vessels and capital, which may be in foreign countries at home, before a declaration of war shall be made. We have been told that we could take the Canadas; this is not doubted, but while we are taking them, Great Britain may take as many of our vessels and as much property now without our limits as would be four times their real value. Without considering the unfortunate situation of the seaman who is made a prisoner, probably before he knows that the country is in war, considerations like these seem to have no weight; no matter what consequences result, we must have energetic measures; war pell-mell, to get clear of this bill, which is said to be downright submission. This seems to me especially in the present state of our

affairs, to be a new sort of submission. Is it submission, openly to tell the two most powerful nations in the world, you shall not come here? No it is not. The very prohibition is an act of sovereignty; while one declares it to be submission to France, another declares it to be submission to England; though both agree that it is submission, they disagree as to the power to which it submits. Nay, sir, it has been said, that this is entirely a mercantile question, and that farmers and planters ought to have nothing to do with it—Then farmers and planters ought not to pay any part of the expense, which may grow out of the present state of our affairs. The fact, however, is, that the nation is made up of planters, farmers, merchants, mechanics and professional men, and all have an interest in the question, and it surely affects the pecuniary interest of the planter and farmer, more than it does that of the others, double freight does not affect the merchant. He makes his profit, and the agricultural people pay it—from every expense attending his trade he lays an additional advance on his goods, and the agricultural people make all good to him. Besides, sir, the president in his first message told the house, that he had authorised our minister at London, to inform the British government, that another minister would be received here, undoubtedly with a view to adjust our differences by negotiation. What would be thought of our government, if after making this communication to a foreign power, we were to do that which some gentlemen have told us we ought to do—make open and manly war? Nay, sir, suppose Great Britain should send another minister, and instead of his finding the administration ready to receive him, and to treat with him as he expected, he is met by a declaration of war, and told to return home. This would not be like the dismissing the late minister for indecent expressions in his letters; to me it seems there would be nothing candid, nothing honorable in transacting our national affairs in this way, it would be a departure from the principles which have always governed the nation.

There is nothing in the bill which prevents the legislature from adopting any other measure—the bill may pass, and the house may hereafter adopt such energetic measures as may be thought advisable.

I have not seen the force of the observation of my colleague, as applied to the question now before the house, that Great Britain enforces her orders on the ocean by her navy. He cannot I am sure suppose, that our little navy, with all their bravery, could enforce our laws on the ocean, if opposed by all the maritime strength of the world, and the navy of Great Britain is able to do this; it is done by physical force and not by words; and when we talk about maritime war, we ought to compare the means we have, with the end to be obtained. He thinks this the proper time to make war on Great Britain, because she is on her last prop and almost ready to fall. If it be so, there is no occasion for us to give our aid, to kick her down. Let Buonaparte have the sole credit and honor of putting her down. I understood my colleague to say, that the friends of the bill were desirous of having a war with Great Britain, but were afraid to declare it. This, sir, is not the case with

me. I am not afraid to declare my sentiments upon any question, either of war or peace. I am not desirous of war with any nation on earth, nor will I consent in the present state of the world to enter the war which has so long ravaged Europe ; either on the side of France or England. But whenever the national government shall declare war, I shall be found as ready to adopt the necessary measures to carry it on successfully as any man in this house or in this nation. Again, he told us that this is the very time to make the attack because all the nations of Europe are leagued against her, this is no reason with me, because I am most decidedly against joining any European league, or having an alliance with any European power. I am opposed to joining the fate of this happy country, to that of any nation in the world ; nor do I wish to have a minister at the Congress, which Napoleon is to call to settle maritime rights and secure the freedom of the sea. I have no faith that it will be done by him. Give him power on the water, and he will do as he has done on the land. Give Great Britain power on the land, and she will do as she has done on the water ; but above all, this weak bill produced the second message of the president of the United States. If that message has any bearing on the question, according to my weak understanding, it is most decidedly in favor of the bill, indeed it is not easy to conceive how the president with propriety could have said more in favor of any measure before the legislature than he has in favor of this ; but the bill ought to be decided on its merits, and not on the opinion of the president.

A gentleman from Pennsylvania (Mr. Ross) is good enough to allow, that those who may vote for the bill, will do it on pure motives. The object of the bill, and of those who support it, is to preserve the peace of the nation if possible. The gentleman quite astonished me, he made a flaming war speech, and before he sat down, said he wished for peace, if war could be avoided. He and those who support the bill agree in their wish to preserve peace ; we propose the bill as the best means of doing this, which he calls submission ; he proposes nothing—if then our plan is submission, to do nothing will surely be submission also—a war speech to conclude in favor of peace is a little strange to me. Were I for war, I should be for making the necessary preparation, to call forth the resources and the energy of the nation, to go at it tooth and nail. He also said, that a middle ground had been adopted in the bill, and that the middle ground was submission. Without referring to *Æsop* or to *Grotius*, to decide whether it be so or not, it seems to me, that common sense would in the present case decide that the middle ground was neither war nor submission ; but the bill contains some thing like old embargo principles—these seem to be quite as much dreaded, as the fatal submission which the bill contains. There is not any thing in it like embargo, though the gentleman pays me a compliment, which I do not deserve, when he says, that the chairman who reported the bill was an embargo man, and nothing but embargo principles was to be expected—if he knew the committee, he would not believe, that any chairman could report a bill, which they did not approve, and he would also believe that they understood embar-

go principles. Yes, sir, I am an embargo man, and hesitate not, to say, that the day Congress gave up the embargo for the non-intercourse, if there be submission, that day it began ; but I do not consider that submission, and the bill is undeniably a better measure than the non-intercourse ; if we wished war, either against England or France, or against both, instead of the non-intercourse act, we ought then to have made a declaration of war ; we then had our sailors, our property and our vessels at home, I cannot perceive the great wisdom, and undaunted courage, in these war speeches, when there is no war motion.

The same gentleman has brought another embargo charge against me ; it is this, that I mingle it with every thing I say. He certainly ought not to complain, for he has said twice as much about war, as I have about the embargo. The fact is, a gentlemen from New York, (Mr. Gold) first brought it into debate the present session ; to him I replied, I have always been willing to defend it, and never ashamed to own that I approved it ; and a great majority of the nation also approved it. The embargo, as well as every other measure which has been brought forward, in opposition to the decrees of France and the orders of Great Britain, have been opposed, while all are saying they will not submit to either ; to say the least of the embargo it kept us a year out of the war, and the non-intercourse with all its imperfections has probably kept us out of it another, and if this bill shall preserve the peace of the country only one year more, the committee will have deserved well of the nation.

The same gentleman says the present discussion at the next election will put men who are for more energetic measures in Congress from the Eastern and Southern states. How this may be, I cannot tell, but it is a good while since these two portions of the Union have been coupled together before. As to the people from the East, personally I know but little about them, having never been among them. If however a judgment may be formed of them, from their members here, they will be found as tenacious of their opinions, as most people are of theirs. The gentleman has forgot that their representatives adhere so close to their opinions, that not very long since, he had to sit up all night to get a vote. Whatever may be the decision of those in the South which I represent, it will be perfectly agreeable to me ; but I am yet to learn that the people in the East and in the South are more fickle than those of the middle states.

Mr. Desha. Sir, France has injured us much, and I believe nearly all she has it in her power to do ; but it is but as a mite to a mountain, compared to the injuries we have received from Britain, our inveterate, rapacious and relentless enemy. The aggressions committed on our rights by her ever since about the year 1793, have been numberless, and as to point of turpitude, without a parallel, even in the times of barbarism—the spoliations committed on our neutral commerce, the murder of Pierce, the sham trial of Whitby the murderer, and the impressment of our seamen, had become old

subjects, and might be deemed useless to recapitulate. Those enormities would in all probability have been gotten over by barely remonstrating, had it not been for the commission of still greater enormities, occasioned by our passive disposition: for it is with governments as it is with individuals, if a spirit of resentment is not manifested for injuries, they will press forward. The persisting in the principle of impressment, and the alarming increase of that execrable practice, by which thousands of our countrymen, real born Americans, have been forced into their service, at the point of the bayonet, compelled to assist in fighting for the support of principles repugnant to the feelings of freemen, and in case of a shew of unwillingness to obey, were liable to the lash, or to be buffeted and kicked by every petty naval officer. Yet, sir, this outrage upon right, upon humanity, we have borne, I wont say, with christian fortitude, but rather with stoic philosophy: Yet, sir, this conduct of the common enemy, so far from being reprehensible in the eyes of some among us, has been measurably justified, as being considered necessary for the support of the British navy, the rampart that stands between the tyrant Napoleon and universal empire: consequently calculated to prevent the subjugation of the United States—anti-American doctrine, sir. Well, sir, if the impressment and incarceration of our countrymen were not objects worthy of notice, in any other way than by renoustrance, if we could tamely look on and see our fellow men inhumanly wrested from their country, their families, and dearest connections, could we reasonably calculate upon any thing else but additional encroachments; could we reasonably suppose they would stop here? No, sir, we ought not to have been so credulous. No, sir, that government that in all cases substitutes power in place of right, has never pardoned our independence, and are determined by their insidious machinations and monopolizing spirit, to subdue the national pride, the pride of freemen, that characterised our ancestors. Yes, sir, they are determined to obtain by their insidious arts, what they were not able to retain by their arms. Well, sir, what comes next upon the list of atrocities, human butchery; they were not satisfied with the murderous transaction, the case of Pierce, as they discovered that (notwithstanding we were bowed down by oppression) we could still bear more; but our innocent and unsuspecting countrymen on board the Chesapeake, must be the next victims marked out to exercise their cruelties on, where several were wantonly murdered, some wounded and others impressed; one of whom was afterwards wantonly, inhumanly, and in cold blood put to death, to fill up their measure of guilt. A universal burst of indignation manifested itself from one end of the continent to the other, British partizans, tories, and refugees excepted. Some of whom had the hardihood to go lengths in justification of this atrocious massacre; a spark of the fire of '76 was lighted up, but soon died away, demands of reparation proved fruitless, the outrage has never been atoned for, but on the contrary, the offers made as reparation for the hostile act, has only been adding insult to injury.

This nefarious atrocity, the attack on the Chesapeake, and the memorable orders in council laying the transit duty, or more properly speaking, making us tributary to them, which if not officially known, was anticipated through the medium of the public prints, produced the embargo, of famous memory, as the gentleman from New-York (Mr. Gardenier) ironically speaks of it, a measure of all others the best calculated to suit our peaceful purposes, to coerce our enemies into a sense of justice, and bring about restitution for damages; but in consequence of the hue and cry raised against it from one end of the continent to the other by the opposition to administration, perhaps instigated in many instances by British emissaries, which occasioned the many wanton violations of the law, and which caused the Eastern friends to administration, to take the alarm, and quiver like a reed in the wind, and determine upon its removal, substitute or no substitute, I believe the consequence was, that the friends to the embargo, those that were not only willing, but anxious for its continuance a while longer, and to adopt the necessary regulations for its enforcement, believing that if a fair experiment could be made, that it would unquestionably produce the desired effect; when they discovered that if those that took the alarm were added to the federal party in the house, they formed a majority, it was deemed advisable to form a compromise, that if they could not retain what was essentially right, to take the best they could get, rather than implicitly submit to the iniquities and destructive measures of our enemies—the non-intercourse was then substituted. This, sir, if not efficient as a coercive measure, in consequence of the partial manner in which it has been enforced resulting from the clauses being repealed (after Erskine's arrangement) calculated to carry it into effect, and the consequent violations of it by mercantile cupidity, was at least a show of resistance to oppression; and held out an idea to the world, that we were determined to adhere to the declarations we had so repeatedly made, that we would not submit. If this measure had been properly enforced it would have come up to the expectations of its most sanguine friends. This system was laid aside in consequence of the arrangement entered into by the British government, through their minister, Mr. Erskine, with the American government for an amicable adjustment of differences with offers of reparation for damages. How lovely to the ears of the Americans sounded the news, it appeared like a kind of political jubilee; in their estimation the time was not far distant when commerce would flow unshackled. When every man might in safety sit under his own vine and his own fig tree; but mark the perfidy of that corrupt government, after they had obtained a sufficiency of the American productions which they so much stood in need of—declared the arrangement entered into by their minister, to be unauthorised.

Mr. Speaker, is there a crime which can be perpetrated for which ready precedents can be found in the conduct of that perfidious government towards America. Sir, the faithless conduct of this rapacious and tyrannical power, caused the non-intercourse to be reinstated; but this system appears now to be abandoned by its friends,

without even having given it an experiment, inasmuch as the sections of the law calculated to enforce it were repealed at the summer session. When it was adopted, it was the opinion of a very large majority of this house, that it was an efficient coercive measure, it was then calculated to answer every purpose, to coerce our enemies into a sense of justice, to bring about reparation for damages, and to place commerce on an equitable footing; it is now given up by its friends without ever having given it a fair experiment, which proves to my mind a wayward disposition, a want of firmness in the majority. Sir, you suffer yourself to be driven from place to place, to be bandied about by the federal phalanx, that for many years have been placed in hostile array against the administration. Yes, sir, they drove you from the embargo; they are now about to drive you from the non-intercourse; and, sir, they will next drive you from your seats; unless you act with more firmness and energy. Adhere to your non-intercourse, the power that enacted it, unquestionably has the power to amend it. I am satisfied, that if the proper steps were taken, it might be made measurably efficient as a coercive system, consequently a saviour of national honor.

Next comes on the carpet the famous Mr. Jackson—selected, I presume, in consequence of his eminent services at Copenhagen. Both the selection and his subsequent conduct, add insult to injury. And, sir, I regret to have seen that he had apologists on this floor, I regret to have seen men, that call themselves Americans, stand up in the face of the nation, and justify the indecorous and impertinent conduct of this Copenhagen champion. Sir, had those gentlemen exerted their ingenuity to so great an extent, in defence of their country's rights, in justification of the open manly and spirited conduct of the executive, as they did by their sophistical, fine-spun arguments and special pleadings, in order to screen this legalised spy from censure, and to exculpate the British from the charge of perfidy, so justly attached to the disavowal of Erskine's arrangement, they would have deserved well of their country; they would have received the universal plaudits of all true Americans. The cry would have been, well done thou good and faithful servant. But, sir, they have drawn the line, and he that is not for me is against me. I should not be surprised if they were to meet the indignant and universal frowns of all true Americans.

Well, sir, what have we obtained through all this scuffle? nothing but losses, crosses, disappointments, and insults have been the result, yet agreeably to the doctrine of some gentlemen we have no cause for war; and I am not certain, if I might judge from what I have seen and heard, that that nation could not commit an act be it ever so oppressive and glaringly reprehensible that would be deemed a cause of war by some gentlemen. It has been repeatedly said on this floor, that the embargo, this political hobby horse that the federal party expected to ride to power, has brought ruin on the country; that it has been as destructive as the devastations of war. I acknowledge that it has been sensibly felt in many parts of the con-

ment, but it was principally among the farmers and mechanics ; yet they bore the privations consequent on our situation with manly cheerfulness. The losses that happened among the agriculturalists have been almost incalculable ; yet they bore it with fortitude rather than truckle to those lawless depredators. But, Sir, I am afraid this is an inauspicious time. I am afraid we are about to give up by a false step that national respectability and with it liberty and independence. For, sir, if you will not defend your rights, but will surrender them at pleasure, your independence is not worth a straw. Yes, sir, I am afraid we are about to abandon national honor—pusillanimously to give up important rights, which were obtained by the blood and heroic exertions of our ancestors, and handed down to us in their purity, and which is a duty incumbent on us to transmit to posterity unsullied ; or why that apathy, in not resenting with becoming dignity, injury and insult ; and apply the proper corrective energetically. Sir, I beg gentlemen to pause, to look well before them, as one false step might sink them into the ditch of degradation, might leave a stain on your national character that time would not obliterate—for the moment that you retrograde or abandon the stand government has taken, that moment you shake hands with infamy, crime will become familiar. Government ought to deliberate maturely before they take a stand ; but when that stand is taken, it ought never to be abandoned, while they have the power of resistance. We have the power, we have the resources. And, sir, I have no hesitation in saying, that our countrymen possess the valor, then why not prepare to exercise it in defence of our inherent rights ? Why suffer some of the important appendages and immunities, attached to government, to be wrested from our hands with impunity ? Will not pusillanimity attach itself to this kind of conduct ? Believing, as I do, sir, that we have nothing to expect from a government that is ever prepared to flatter, and ever prepared to defraud ; and when ready precedents may be found to sanction the most glaring enormities, I deem it advisable, yes, sir, essential, to prepare for the worst ; for in my mind it is almost inevitable, that our difficulties will eventuate in war, unless we are determined on submission ; and to say the best of the bill under consideration, it is backing out, tantamount to submission. Sir, we have been struggling for a series of years, against oppression as cruel as absurd. We have seen that it was not in the fortuitous accidents of the times that our troubles had their origin, but in a systematic hostility manifested ever since America obtained her independence. Sir, perilous times like the present, is not the time for Americans to be backward in speaking their sentiments, it is not only the time to speak out, but to act with energy and decision, unless we are determined to barter our national character for a poor shackled commerce, or in other words, for pecuniary interest, brought about by mercantile cupidity ; in a word, we must lay aside our temporising and prepare for war. I repeat it, sir, you must prepare for war, if you expect peace or justice, immediate war is not my meaning ; my meaning is, sir, that we should make the necessary preparations to meet the

event, believing that our differences must inevitably eventuate in a struggle. And, sir, when I speak of preparatory measures, a large regular army or an expensive navy, is no part of my meaning. We may with safety confide the honor and welfare of the nation to the national militia or volunteers, and in case it should be found necessary to oust our common enemy from their north American possessions, the latter will be all-sufficient; and finally, will be the means of conducting valor to victory. And, sir, in an army of this cast, composed of the yeomanry of the country, no danger is to be apprehended from the machinations and intrigues of designing demagogues, love of country can never be eradicated from their hearts.

Mr. Speaker, I venture to pronounce, that your embargoes, non-intercourse, or commercial restrictions that are now under consideration, (which, instead of resistance to oppression, have not only humility, but imbecility depicted in their countenance) or any countervailing decrees that you may adopt, will prove measurably inefficient as a coercive system. While the British have possessions contiguous to the United States, it will be difficult to enforce them; they will be unavailing. The quack may talk of a cure, but the disease will continue to burn, like a covered fever, until the cause is removed. I repeat it, sir, your countervailing regulations will be unavailing while the British have Canada or a Nova Scotia, on the continent of America. You must remove the cause if you expect to perform a cure: then why hesitate? Why not make preparations to meet the event, that in all probability must happen, and I am afraid, at no very distant period? And, sir, independent of these considerations, they will always have it in their power to keep up party strife in the country, by blowing the flames of disaffection. Whereas, on the contrary, if you determine on this point, their emissaries that it is presumable, are placed in all the principal sea-port towns, for the purpose of fomenting division, and diffusing their baneful principles, will in case of a struggle find their situation extremely uncomfortable, and will retire with their Pandoras box, their echoes that they leave behind will become cautious, they will find it their interest, instead of reviling government, to either join the national standard or to be neutral, lest sanguinary vengeance should be the result. Then, sir, why hesitate in striking at the root of the evil? Why not take preparatory steps, in order that the measures may be commensurate to the end? It is not, Sir, because I think we want territory, that I would recommend preparatory measures to meet this event; no, sir, we have a sufficiency of territory, but it is because I think we need not calculate on a redress of grievances, without the adoption of it, or something calculated to operate on the fears or interest of our enemies, for certainly we have seen enough to convince us, that we have nothing to expect from their justice.

We might have extended and multiplied our quotations; but the above specimens will answer the purpose, and we have before remarked even this bill was finally lost.

CHAPTER IX.

WE cite the decision of Congress in the following debate not to disparage the individual who is the occasion of it, but because the principle involved in it is important and salutary. The reader will observe, that it was contended by the members who opposed the enquiry, that the house of representatives did not possess constitutional power to investigate the matter. A contrary decision would have established this point, that while the commanding officer of an army was suspected of being bribed by a foreign power, the house of representatives could not without violating the constitution institute an enquiry. A precedent replete with evils so enormous it could hardly be suspected would be made the subject of debate. The argument "*ab inconvenienti*" unless there is an express clause in the constitution interdicting the exercise of such power, we should think decisive of the question. That those who are appointed the more immediate guardians of our rights, do not possess the power of enquiry whether the military force of the country is deposited in hands worthy of it, would indeed be a phenomenon in the records of legislation.

We have inserted the subsequent discussion and the report, to preserve the chain of connection entire, and it is but fair to add, that the question whether general Wilkinson is innocent or guilty is still undecided. A committee was moved for to enquire into the conduct of the general.

Mr. Findley said, he had been astonished to hear the honorable member from Connecticut (Mr. Pitkin) whose well known accuracy he frequently admired, take the proceedings of the British house of Commons as a model, and their late proceeding with respect to the king's son, duke of York and commander in chief of the army, as a precedent applicable to this case. It is sufficient to say, that the powers of the house of Commons are not defined. Judge Blackstone says, they cannot or ought not to be defined. This undefined power is necessary to enable them to withstand the encroachments of the other two hereditary branches. It is well known that the powers of the house of Commons have been very different at different times. In the reign of the first Stuarts they claimed the right of examining grievances, that is to say, of being the grand inquest of the nation, and of withholding public supplies until these were redressed. This was refused and the parliament frequently dissolved, until the contest between the commons and the crown produced a civil war which for several years filled the three kingdoms with blood and oppression. After the restoration the house of commons renewed their claims and persevered till for a long period par-

liaments were set aside by the last Stuarts, and not restored but by a revolution, by which the royal prerogative was greatly limited. Since then the commons have gradually extended their powers, and the king having called on them to exert their power in support of the prerogative in commencing and carrying on the American war, they have, at least since that period become by far the most essential part of the government. At which of these periods does the gentleman apply the proceedings of the house of Commons as a model for this house?

It is not denied that the constitution has adopted some of the leading features of the British form of government. Our executive indeed has very little of those features, and our senate, though not hereditary, has powers not possessed by the house of peers; our senate has the power of altering, amending or rejecting money bills and of appropriating money; the house of peers has only the power of rejecting. This house like the house of commons have the power of submitting articles of impeachment against civil officers; but the house of commons has the awful power of originating bills of pains and penalties, and also bills of attainder, which go to life, liberty and property, which happily this house has not. The house of commons can bind the nation by a vote of credit to an unlimited amount, which this house cannot do. The power of the house of commons extends to every officer, tax and abuse in the nation; the power of this house does not. It has no power over the state governments, revenues, laws or abuses, and they are the component parts of which the nation is composed. Therefore though the house of commons was in a proper sense the grand inquest of that nation, its powers with respect to subjects of its inquiry not being limited nor defined; yet this house can in no proper sense be called the grand inquest of the nation, its powers being limited to specified objects expressly defined. The undefined term, grand inquest, may be applied to any thing and to every thing.

But the gentleman from Virginia, (Mr. Sheffey) and others, as they can find no such power vested in this house by the constitution, have recourse to implication, incidental powers, &c. In answer to this, Mr. F. said, that he altogether denied and even protested against the doctrine of constructive or implied powers, especially in criminal prosecutions. When this method prevailed in England no man was safe. It was very convenient in the reign of Henry the Eighth and other tyrants, when to this doctrine the blood of that nation was sacrificed, and it never could be of use to or defined by any but tyrants.

When an express power is given all the subordinate powers to carry it into effect were contained in the grant of the power itself; the power to levy taxes contained the power of appointing officers to collect them, to compel the officers to pay over the money, to punish them for delinquency, &c. These naturally arose from, or rather were component parts of the general power—they were neither incidental nor resulting from doubtful implication. To this house and every public body and court of justice the power of securing them—

selves against contempt was incidental. It was not a power vested by the constitution, but a power of self defence which every man by the law of his nature was possessed, and consequently every public body. But to congress this was an incidental power, the exercise of which depended on incidental circumstances over which congress had no constitutional control—none of these applied to the question before the house.

This house is invested with the exclusive power of bringing articles of impeachment against all civil officers for treason or other high crimes and misdemeanors. For this purpose only is this house the grand inquest of the federal government. The Senate are the judges of the parties thus impeached.

But, it was asked if congress had no power to call before their bar, or the bar of their committee, such a notorious offender as this officer is represented to be. Mr. F. said, they had no such power. They could compel the attendance of their own members, but they could not compel the attendance even of a civil officer in order to impeachment. For this purpose testimony was taken by affidavit in the absence of the party respecting whose conduct enquiry was made by the committee of the house or by their commissions, the party accused was required to answer to the charges before the senate, there he brought his witnesses, and there he cross-examined the witnesses brought against him. It is evident from the constitution, that an officer of the army or navy is not impeachable. The resolution before the house is not calculated for impeachment, nor do the arguments of the gentleman profess it. What then is its object? If the commons had found the duke of York guilty, they might have brought a bill of attainder. This house cannot do so.

The constitution expressly declares, that no resolution or vote can have any obligation on the citizens until it is concurred in by the senate and approved by the president. This resolution is not calculated nor advocated with this view, nor with a view to impeachment. What then is its object? Who will obey it when it is passed? Where is your sheriff or constable to compel obedience? And under what law will your process be executed? Will this house assume the whole authority of congress? If they do they can with propriety plead the example of the house of commons about 155 years ago.

The constitution has vested congress with ample powers both to provide for the trial and punishment of the officer if he is guilty. Congress has power, and it is its duty, to prescribe rules for the government of the army and navy of the United States. If the existing rules are not competent to bring an offender to justice, it is the fault of congress. When a similar resolution was submitted to a former congress, it was, as it ought to be, referred to the president, who directed a court of enquiry on the conduct of the officer preparatory to a court martial, if guilt could have been substantiated; but testimony could not be found. The gentlemen who stated charges to the house, to which one of them took his oath, absolutely refused to appear before the court of enquiry as witnesses, because that court had no power to compel the attendance of witnesses. A bill was in-

troduced providing for authorising both courts of enquiry and courts martial to compel the attendance of witnesses. But this was opposed even by such as were the accusers of the officer, and lost, to his great regret, for he thought such a power absolutely necessary; he likewise thought the constitution of the court of enquiry and courts martial defective without that power.

A member near him (Mr. Lyon) had assigned as a reason for changing his mind on that subject, that the court of enquiry only whitewashed General Wilkinson. How did they whitewash him? When no testimony could be procured to prove him guilty, they acquitted him. Could they as honest men do otherwise? The honorable member from Maryland (Mr. Key) though he had treated the officer's character pretty freely, yet candidly stated, that the court of enquiry had not testimony, and that they could not act on such as had been offered to the house, because of the informal manner in which it had been taken. The charges stated at that time related to old affairs, that had been enquired into both by President Washington and President Adams, to their own satisfaction. In 1793 or 1794, General Wilkinson sent charges against General Wayne to the war office, accompanied with his resignation, if a speedy trial was not directed. Mr. F said on that occasion he asked the secretary of war if the resignation was accepted. He answered that it was not, that the President had directed him to write to the Generals, in order to reconcile them to act together until the close of that Indian war, which would probably not be long, and then they would get a trial. That trial, however was prevented by the death of General Wayne on his return from receiving the forts from the British. On this occasion the army was reduced to a brigadier's command, and General Wilkinson appointed to that command. If President Washington had thought proper, two very good opportunities offered to get quit of the General without any trial; the one was when he sent in his resignation, the other was when the army was reduced and new modelled. He took advantage of neither of these.

Though the gentlemen who supported the resolution did not agree with him in believing that we had no authority from the constitution to act in this manner, yet they must all agree that it is extraordinary; that there is no precedent for it in the administration of our own government; and that if it can be justified, it is only by the necessity of the case. He would ask wherein does that necessity exist? The officer in question, after having been about five years second in command, has been about thirteen years commander in chief, under the administration of three presidents, and a short time of the fourth; but was last full superceded in that command, and, as soon as his successor arrived, actually removed from it, and is now, it is believed, on his way to this place to undergo an examination. What therefore is the danger at present, when he is in no trust? If there is pressing danger now, was there not as much, early in the session, when there was time to attend to it?

But there are other and more recent charges of criminality. His conduct at New-Orleans to Burr's associates, and his being a bank-

rupt and in debt, have been much dwelt upon by the gentleman from Maryland and the gentleman from Virginia. Is it really necessary, that the house of representatives should take the cognizance of false imprisonment and of bankruptcy and debt into their own hands from the courts of justice? Are our courts all corrupt or incapable for the discharge of the duties assigned them? Is there neither virtue nor talents in any department, but this house? Are they all white-washers of criminals? With respect to this officer's conduct towards Burr's friends, Mr. F said, he understood it had been already examined, before a court of competent jurisdiction, where it was investigated by a grand jury, who had no disposition to whitewashing, and who found no bill. He would assure the gentleman from Maryland, that a great proportion of the citizens, as well as the court, had a different opinion on that subject, and that he believed no man could be tried the second time for the same offence, though he also believed the parties said to be injured, might still have an opportunity of an action to recover damages, but not before this house. With respect to the causes of the dreadful mortality of the army, it was a very proper subject of enquiry before the house, and as such had been already referred to a committee of enquiry. No member, he believed, had more cause to regret that mortality than himself. He had early disapproved of sending the new levies to be seasoned at so sickly a place; but, whether they were so disposed of from necessity or by the orders of the President, or of the general himself, or whether the uncommon degree of mortality was promoted by other causes, can only be known by an accurate enquiry, whether the result of that enquiry attached guilt to the general or to any other quarter, will be known by the report of the committee, which will at least teach government by suitable arrangements to provide against such a catastrophe in time to come. For instituting such an enquiry this house has an explicit example in the appointment of a committee to enquire into the causes of the failure of the expedition commanded by general St. Clair.

Mr. F. said he had the honor of being a member of that committee which sat during two successive sessions. They discovered many causes that contributed powerfully to that failure, but not one of them applied against the general, but otherwise. The enquiry was of great service however in raising, modelling and dissecting a new army, and in making new contracts, &c. Several were found to blame. The contractor had failed to furnish provisions even on the march to the rendezvous; the army were on short allowance on their march to where the defect happened; the rendezvous was delayed beyond all expectation for want of boats, provisions, &c. the cannon carriages, ropes, &c. were to be made before they could march, and the gun-powder, having been impure, lost its strength so much as to carry a ball but a very little distance from the gun. The Indians were collected from a much greater distance, and in vastly greater numbers than had been anticipated, and before they unexpectedly began the attack a regiment had been detached to escort provision to the starving army. Congress availed themselves

of the information so as to provide against such misfortunes for the future, but took no notice of the parties that were to blame, but left them to the due course of the law. As no blame was attached to the commander, a military court of enquiry or court martial were not necessary.

Mr. F wished not to be understood as vindicating general Wilkinson, or wishing to protect him from trial or punishment—very far from it. He wished for the most thorough trial; this was necessary for the officer himself as well as for the public. The charges were of different kinds and cognizable before different tribunals. If the military tribunals were not clothed with competent powers it was the fault of Congress, and their duty without delay to provide the remedy; but it was not the duty of this house alone to assume to themselves the jurisdiction of both civil and military courts. If however, it was decided that this house would proceed to the trial, he designed not to disqualify himself from sitting in judgment, by prejudging the case on that floor; therefore he had refrained from either speaking good or bad of the officer. The gentleman from Maryland (Mr. Key) and the gentleman from Virginia (Mr. Sheffey) have certainly disqualified themselves from sitting in judgment on the officer by having voluntarily and with great ability become his public accusers. Indeed this character has been rather over acted, for it is not known what connection the officer, being a debtor and a bankrupt, has with either civil or military crimes. That he was indebted to government last year appeared on record, but no record of his bankruptcy has been produced, nor has this house any thing to do with it.

By assuming the jurisdiction of courts either civil or military this house degrades its legislative character. No doubt the gentlemen who advocate the adoption of the resolution have carefully perused the celebrated Montesquieu's Spirit of Laws. If they have, they know how powerfully that great author demonstrates the absurdity of the legislature sitting in judgment on offenders against their own laws, even in an absolute monarchy where the king is the legislature, and much more so in republics where the distribution of governmental powers into distinct branches is among the first principles of the government. He was no stranger to the propensity of the most numerous public bodies to encroach on the powers vested in the other branches. He had gone to school to study that subject not much short of thirty years ago. Under a former constitution of Pennsylvania, the legislature consisted of a numerous single branch on which the executive had no check for the protection of itself or the judiciary: but to supply that defect a council of censors was prescribed to be elected at stated periods to examine the deviations from the constitution. He had himself the honor of being a member of that body, and on mature examination it was found that the legislature considering themselves as the grand inquest of the nation, a term not found in their own nor in the federal constitution, they had assumed the power of deciding both on judicial and executive business; whom they would they condemned and whom they would they justified.

But after the council of censors had investigated and exposed those departures from constitutional principles, such as they had condemned as public defaulters were restored to confidence and found to be public creditors by a court and impartial jury; and such as they had previously justified, considered it as no legal justification till they had it legally approved by a court and jury; and this will always be the result of the exercise of powers unconstitutionally assumed. It will dishonor the body who has acted in this manner.

If the charges contained in the pamphlet alluded to by the mover and alleged on this floor by others, are proved, a court martial even with the powers they possess, cannot fail to convict and to punish. This house may investigate and resolve, but they can neither convict nor punish. The general at present is not popular with the army nor the country, and was very properly removed from the command even on the ground of want of confidence; but if this house step out of their way and throw their weight against him to crush him, it will appear to be a persecution and attract public sympathy. This house is not calculated nor designed for a court of justice; 140 judges are too numerous a bench for judicial investigation and impartial decision. The public are in the habit of thinking that we are influenced by party spirit even in legislation; they will readily carry that manner of thinking to our judiciary decisions, especially as we are under no oath, and have no responsibility for such decision.

Mr. F assured the committee that he did not oppose the resolutions on account of the officer, for whom he had no partiality, but to support the principles of the constitution, and the honor of the house of representatives, and to prevent a dangerous precedent being set to future times when party spirit may be so high as to make its victims of the best characters, as has frequently heretofore been done even by a British house of Commons. Let the courts be furnished with competent powers, if they have them not already, and let them not be influenced by the decisions of this house. The officer possesses no dangerous popularity; he is not now at the head of an army.

Mr. Sheffey hoped the resolution would be adopted without a dissenting voice; for enquiry in a free country how and in what manner its affairs had been conducted could never be productive of injury. No virtuous and no honest man could fear enquiry before impartial men delegated by the people, who can have no interest to serve in proving a man to be corrupt and dishonest. On the question whether it was proper, if they have the right, to enquire, Mr. S asked, who, after the evidence presented and the documents in possession of the house, could doubt that general Wilkinson for a series of years had been in the pay of Spain? For what? For his aid in the attempt to detach a portion of this country from us and bring it under the dominion of Spain. Sir, said Mr. Sheffey, will you be able to persuade the yeomanry of this country, that a man who has thus acted, under a bribe to separate the western country and place it under the dominion of a foreign power, ought to be continued commander in chief

of the army of the United States? Whatever others may say, the honest farmer and planter will tell you that he ought not to be confided in. Who could have read the testimony given on Burr's trial, even the testimony of Wilkinson himself, and not be impressed with a certainty, amounting almost to conviction, that he was then again in pursuit of his former project to detach the western country from the union; that he was again in pursuit of the aggrandizement of himself? I ask any one who read that testimony with the scrutinizing eye he thought, whether he does not entertain that opinion? Where is the friend to our country, constitution and civil liberty, who can patronize the conduct of general Wilkinson at New Orleans? At a time when, by a vote nearly unanimous, you decided that you would not suspend the habeas corpus act, the transactions which took place at New-Orleans proved that even the mandates of a brigadier-general were superior to the authority of the United States. You prohibit the suspension of the habeas corpus: the general disregards your interdictions, and in the teeth of them arbitrarily seizes and holds the persons of the citizens. I may be answered that these men were traitors. I affirm that they ought not so to be considered; and I found the assertion on this plain maxim of the common law, that he who is not *proved* is not to be *presumed* guilty. When was it yet made to appear that they were guilty? They were brought to the Atlantic States; their shackles fell, and they were permitted to return to their homes—and they had redress, as has been observed, in the option of commencing a suit against a bankrupt general. There is no greater danger to civil liberty than in a time like that alluded to, when the public mind is in a ferment. Gentlemen talk of the despotism or corruption of Great Britain; but an act of this kind would have inundated that country in blood; would have driven from their seats the most powerful ministry. I recollect a case in that country in which military officers, on some pretence or other, refused to pay attention to a writ from the civil power. They were at last obliged to come into court and submit. The chief justice directed their apology or submission to be recorded, with the remark that it should stand “as a memorial to the present and future ages, that whoever set themselves above the law will in the end find themselves mistaken.”

Will gentlemen say that we have not sufficient cause to proceed on? I had not at that time a seat on this floor, but I recollect that an enquiry was instituted into the conduct of a judge on the assertion of a member that he had cause to believe this person had been guilty of malversation in office. Are the facts before the public not sufficient to convince the minds of members on this subject? If the passage of the resolution depended on the question whether there was cause to suspect, there would not be a dissenting voice.

But it is said we have not the power to make the enquiry. If this argument were conclusive, I should master my feelings; I should get over gratifying my zeal for the rights of my country, if this was holy ground on which we cannot tread. But, sir, how inconsistent are the arguments on this subject! I recollect very well the argu-

ments uttered in favour of implied and incidental powers with respect to treaty-making. If gentlemen confine their power to the express letter of the constitution, where will they find authority for the expense incurred in 1801, in the investigation of the expenditures of the preceding administration? The administration by whom the expenditures were authorised had gone out of office. I repeat it that there is no power expressly granted to enquire into the conduct of a former administration. It was not a necessary appendage to the power of impeachment. But it is a power incidental to our other powers. The true construction of the powers of this house in respect to investigation, other than for the purpose of impeachment, is this: We have, 1st. The power to enquire to inform ourselves and the nation; and 2ndly. The power to enquire with a view to future legislation. What are we? Legislators, possessing the sovereign power, and drawing from the people the money to support the government. Being thus constituted, representing the people, and drawing from them the means of keeping up our establishments, have not the people a right to know not only how it is distributed, but to whom? Is it republican doctrine that the people should not know *how* their money is distributed? You may as well say they have not a right to know how it is expended as to refuse to inform them to whom it is given. I consider it a right of this house and of the people to know how their money is expended and to whom it is given.

To what does the doctrine of those who oppose this construction lead? It matters not what corruption exists; if the officers and soldiers of the army were all corrupted, were all traitors, we must sit here with our hands tied. We may have evidence the most conclusive; but we have nothing to do with it; gentlemen meet you with an objection that the power to investigate is not in our hands. We may be betrayed by the army, and have not, it seems, the means of developing the treason to ourselves and our constituents!

We have a right to enquire with a view to future legislation. The military system, in regard to which the framers of the constitution were extremely tenacious, is to pass in review before us every two years. We can say there shall not a brigadier-general or a soldier exist. For what purpose was this power vested in us? For one of the purposes comprised in the resolution before us. If we see corruption stalking abroad, the army or its officers devoted to a foreign government, the enemies of their country; if we saw those hirelings attempting by plotting to humble the liberties of their country—what honest man would refuse to enquire into it? But our hands are tied, we are told; we are manacled, shackled, and cannot enquire whether it is proper to make an appropriation or not. If the right to make or refuse appropriations be given, the right to do it properly, honestly and consistently must necessarily follow, and of course the power to acquire information in relation thereto.

Let me repeat my idea. Suppose that the appropriation bill for the military establishment comes before us, our army consisting of 50,000 men—that there is evidence that every general officer is in the pay

of a foreign country—that we are on the brink of a war with that country.—What would you do in a case of that kind? Would you not turn your eyes to the fact, to ascertain whether you would support an army for the purpose of cutting your own throats? If you have not the power to do it, deplorable is your case and the situation of the country! In a case of that kind, if there be any evidence which would warrant an enquiry, our duty to the public would require us to scrutinize the conduct of every person suspected and of the army in general—and, if it was this corrupt body which it was alleged to be, we must refuse appropriations, and it would dissolve of course.

But, sir, we have a right to enquire, as incidental to the impeaching power. We may do it directly or indirectly. Would it be proper to make an enquiry into the conduct of the president in keeping Wilkinson in office before we know that Wilkinson is corrupt? You must first know that the man whom he keeps in office is corrupt, before you make an enquiry into his conduct in so doing. When the facts are completely before you, you will be better able to determine what ulterior measures are necessary.

It has been said that a reference to the British constitution on this occasion does not prove any thing. In my opinion it proves much. I recollect to have read, during the discussion of the question how far the house of representatives had constitutional power over treaties, a very able speech of the present secretary of the treasury, in which he compared the power of the house of commons with that of the house of representatives. He attempted to prove, and did prove to my satisfaction, that although the treaty-making power was completely with the king; yet, such was the nature of the government, that although the house of commons had nothing to do with framing the treaty, they could indirectly control it; that they had a right to question or discuss the propriety of any treaty which called upon them for an appropriation to carry it into effect. This argument is a good one in support of our power. We cannot go too far in claiming powers residing in the English house of commons, because we know that there is a greater power here than there is in the house of commons in England. The great power is granted to us, which there exclusively belongs to the king, of declaring war; and in this respect our power is much greater than that of the British house of commons.

These principles grow out of the nature of our government. Why in the house of commons do they ever investigate or enquire? With a view to impeach, to inform themselves and the nation correctly, and with a view to future legislation. Is it less proper that we should freely enquire? Are we less bound to inform our constituents of the characters of men in office? Every gentleman will answer that as we are more immediately the representative of the people, this power is more necessary here than there, and not more proper to be exercised there than here. The house of commons have a right to withhold appropriations of money, and enquire to prevent improper applications of it. How can you remedy a defect before you know

it? How interpose a remedy applicable to the state of the army of the United States without having before you all the facts relating to it? Have you not a right to enquire whether the army is an efficient defence or not? The right of the house of commons is unlimited as to impeachment; but they do not always enquire with a view to impeachment; they enquire because it is their duty to enquire, and bottom their ulterior proceedings on facts. We can go as far in enquiry; if we cannot impeach a military officer it does not prevent us from enquiring into his conduct.

As to our authority there can be no doubt. As to facts, it has not been contended that they do not authorise the enquiry. The nation has been looking for years for an enquiry; the nation ought to be satisfied. They want not the enquiry of two or three subordinate officers, of persons who might be implicated in some of the very crimes laid to the charge of the commander in chief. This mockery of justice the people are tired of. It has been said that an enquiry has been instituted and that general Wilkinson escaped disapprobation. I wonder not at it, sir. No man who has any sense of honor or probity would prostrate himself by becoming an accuser or witness in a court like that. Shall we yield up the great powers given to us to a petty military tribunal which itself might be infected with corruption? I do not say this is now the case; but it might be in many instances. It is very probable and natural that no attempt will ever be made by a commander in chief to employ the arms of the nation against itself, unless corruption had extended further than himself.

Sir, it is our duty to make the enquiry. The public money is expended on these establishments; the labour of the nation supports them. We extract money from the pockets of the people to appropriate to these purposes, and it is proper to ascertain that those who reap the earnings of the people are worthy of the public confidence.

Mr. Nelson said he had a few observations to make, and he trusted he should show that he was a partizan of no party. When he amongst others had objected to the reading of the report, he said he had done it on two grounds. 1. That it was entirely out of order, because the hour for receiving reports had passed away, and the time had arrived when the order of the day ought to be taken up. The reading of the report would consume the greater part if not the whole of the day. He judged so not only from the warmth displayed on the occasion, but from the size of the bundles upon the table, (of papers reported by the committee) which he supposed were to be read. But, as he always acted on fair grounds, Mr. N said he would state that the prominent reason which actuated his mind was, that he did not think justice would be done to the man. In saying this, he did not mean that any gentleman of the house would be disposed to do him injustice, but that from the nature of the case injustice must be done to general Wilkinson, if the report was read at this session. There were (said he) two subjects of enquiry referred to the committee, both important; and from the distance of the scene where

the events supposed did take place if they took place at all, it must appear that the time has been so short that evidence could not be taken. No one could be examined by the committee but those who were in the city or were stationed in the neighbourhood, nor any documents procured but those picked up out of this or that book store. Is it possible, that a mass of evidence, sufficient to bring the house to a clear result, could have been collected since the committee was appointed. It appears to me that it could not? If the documents or testimony thus hastily collated, were to be printed, they would make an improper impression on the public mind, unless the whole subject could be before them.

In conformity with what I deem my duty as a legislator and a man; what I deem my duty as a man who wishes to see substantial justice done to every part of the community, I will make a few more observations and have done.

When this committee was raised, it is very true, I was opposed to it; not, if I may be believed, because I was unwilling that general Wilkinson's conduct should be enquired into, but because I object to the mode of enquiry. I did not think the constitution of the United States sanctioned an enquiry in this form; I am still of that opinion—but, the house having decided to the contrary, I must acquiesce; for although I cannot change my opinion, I should think it indecorous again to argue a question already decided by the house. The evidence taken in this case, if I am rightly informed, is altogether *ex parte*. I understand that general Wilkinson was never summoned: that he never appeared before the committee; that he was not permitted to examine a single witness, either to exculpate himself or to shew the falsity of the evidence. Sir, is a man to be tried before an anomalous tribunal, without himself being present, and without having an opportunity to confront his accusers? Is this the way in which any citizen of the United States is to be tried? If it is, I venture to pronounce that any man in the United States, if brought before this tribunal, however immaculate he may be, will be condemned, if evidence against him alone is to be heard. There is no man in this house who, by taking an active part, may have created himself enemies, but may be called upon to answer charges in the newspapers, and, though not present, may be condemned on any of them. Sir, I am opposed, on principles of common justice and of the constitution, to having the papers read or printed, because the evidence was taken *ex parte*, the man accused being absent, although he might have been present, had the committee chosen it. When this house undertakes to assume a judicial power, as they have done, to try a case, it was to be expected that they would have given the accused the same chance as any other citizen—and was it ever heard of before that a man was condemned unheard? A man is accused; a tribunal is appointed to try him whilst hundreds of miles off; no notice is given to him; evidence is summoned against him; he is tried and condemned—and this under the free constitution of the United States! I am told, sir, that he asked leave to attend the committee, and was

refused. [A member near Mr. N observed that this was a mistake.] When a man is tried, sir, said Mr. N it is not a privilege for him to ask to appear before his accusers ; but he has a right to be summoned. Was the greatest criminal ever executed at Tyburn condemned on *ex parte* testimony—without being heard in his defence ? Was general Wilkinson, before or after his arrival, summoned before the committee ? I wait for a reply.

[Mr. Desha (a member of the committee) said that the committee did not receive notice that general Wilkinson wished to appear before them. The committee had occasion for papers in general Wilkinson's possession. A *subpœna duces tecum* had been issued to general Wilkinson either to bring the papers or *send* them. The papers had been sent.

Not only then, said Mr. N. was this officer not notified to appear in his own defence, but he was actually applied to by the committee for evidence designed by them to implicate himself ; and he did what I think no other man would have done, and sent these papers. This is the first time, sir, that I ever heard of a man being summoned to produce evidence to convict himself. When the man has an opportunity to justify himself, then and then only can the nation come to a correct judgment on his merits or demerits. I am authorised by general Wilkinson to state that if he had an opportunity given him, he has papers to confute every charge made against him. Whether he has or has not, God only knows. He has stated it to me ; for, sir, I have known him well from his youth ; I am his personal friend till I find him to be that which he is said to be. When that shall appear, my friendship is at an end. I have been and am his friend because I believe him to be a good officer, a man of worth, and a patriot. He has expressed to me his regret that he could not have an opportunity of coming into court and vindicating his character. It is of consequence to him that he should have justice ; but it is of more consequence to us that no man should come before the nation and complain that justice is not done to him. A man indicted for treason, witnesses being heard against him, and he condemned to death without an opportunity of being heard, would have great right to complain—and would not every man in the nation be satisfied that injustice had been done ? What is the difference between such a case and the present ? In one case an execution of the body takes place ; in this case a complete execution of the character. Will not, I ask you, sir, this *ex parte* testimony raise a great prejudice against this officer in those who are not possessed of discriminating minds ? So help me God, sir, if this man had had an opportunity of going before this honorable committee, of subpœnaing his witnesses and opening his budget, and the question had been considered on both sides, I should have no objection to receiving the committee's report ; for although the tribunal is unconstitutional, every one will agree that it is a strictly honorable one ; and, though unconstitutional, it will fix a stain on a man's character as indelibly as a decision of the supreme court. I think this evidence should either remain till next session, and then be referred to a committee to take further testi-

mony, or that this committee should have leave to sit during the recess. This enquiry produces no result so far; those who have prosecuted or persecuted general Wilkinson will go on. Others will remain as they were before. The great mass of the people, who are partizans on no side, ought not to be influenced by the *ex parte* statements, called testimony, which will be laid before them.

Mr. Randolph said if he could, like the gentleman from Maryland (Mr. Nelson) have made an able speech on the merits of the report before he had heard it read, perhaps like him he should have been willing to dispense with the reading of the report; but in that respect (said Mr. Randolph) the gentleman has the advantage of me, and I will leave it to the house to determine whether the insinuation which the gentleman was pleased to say I have thrown out respecting his motives, be or be not supported by the tenor of the observations which he has made to the house. The gentlemen indeed set out with motives of great public concernment, but he got but a very little way in his argument before he lost sight of these considerations which he had been pleased to tell us were of a personal nature. The gentleman from Maryland has stated that the evidence which the committee have presented to the house is of an *ex parte* nature. Sir, in what capacity does this house act in any enquiry into the conduct of a public officer? It acts, if I understand its functions, in the capacity of a grand jury, of a grand inquest as it is often called. Can either the gentleman from Maryland or the gentleman from Pennsylvania (Mr. Smilie) who were both members of this house when the enquiry was instituted into the official conduct of Samuel Chase and Richard Peters, say that he objected to the presenting of the report of the committee appointed to enquire in their conduct upon the ground that the evidence before the committee was *ex parte*? on the ground that Samuel Chase and Richard Peters had not been invited to appear before the committee? On the ground that they had in private and friendly communications assured them upon their honor that they had evidence to disprove all that the committee had adduced against them? No constitutional scruples then entered into the mind of either of these gentlemen; they were contented to proceed, as all grand inquests must proceed, on *ex parte* evidence. Did not colonel Burr, that other "*honorable man* who has been so greatly persecuted," complain that the grand jury at Richmond proceeded on *ex parte* and perjured evidence? And was it not *ex parte*? Was he called before the grand jury? No, sir; although, if I am not much misinformed, he very modestly wished to be called before it, and to have them instructed by the court in relation to the course which they should pursue.

But, if I understood the gentleman from Maryland correctly, he states that this committee, as far as they have proceeded to take any evidence or document from general Wilkinson, have done him a very sensible injury, inasmuch as they have called upon a man to produce, through a subpoena, evidence against himself. If I understood rightly, the papers which the committee called upon general Wil-

kinson (through a subpoena duces tecum) to produce were papers which he had gotten into his possession out of the war office ; which I undertake to say, were feloniously purloined out of that office—and if time was not so short, I should unquestionably have moved an enquiry into the matter—for, unless this view be correct, then has the secretary of war been guilty of a flagrant dereliction of duty. Now, sir, I will suppose a case, though I have never had any practice as a prosecutor or defender of felons. A thief is taken with stolen goods upon him. Long before you have ascertained whether he is guilty or not, long before a grand jury has pronounced on the case, what do you do? You rummage his pockets—for what? To force the unfortunate man to produce evidence for his own conviction ; but in common phraseology to force him to produce the stolen goods.

It has been stated by the gentleman from Maryland, and, among others, by my worthy colleague (Mr. Gholson) that this subject should be permitted to sleep for the purpose of taking up matters of great national importance. To a virtuoso, to a butterfly hunter, a particular species of this insect, the emperor of Morocco, appeared, I dare say of more importance than matters of the highest interest to the country ; and it is not at all surprising to me that gentlemen who have been pursuing the ignis fatuus of convoy and all the measures adopted and abandoned or laid asleep during the present session, should bring themselves to believe that the miserable bill before us yesterday (the commercial intercourse bill) is a matter of more national importance than asserting the rights of this nation in relation to no less a personage than he who commands the military force of the country. In my mind, sir, there is no more comparison between asserting and exercising the rights of the house in relation to a subject such as that committed to the committee which has just reported, and these bills before us, particularly this celebrated No. 2 than there is between Ossa and a wart.

But the gentleman from Maryland tells us that if we adopt this course, if we accept this report of the committee, there is no man, however fair his character, however innocent, who may not be prejudged and ruined in the public estimation, even upon so trivial a ground as newspaper report. Was not the gentleman one of the members of this house who contended that common fame was a good ground of enquiry into the conduct of public officers? Unquestionably he was. But, sir, does any gentleman believe it possible for a newspaper charge to affect the reputation of any man in society? No, sir, as far as a charge is made in a newspaper, his reputation is not affected thereby. The newspaper is merely the vehicle of a charge, and rather throws a doubt on it than otherwise. But understanding and reflecting people will discriminate between charges having truth for their foundation and those which are mere malignant calumniations.

I will conclude with observing that, although I am no lawyer, my knowledge of parliamentary decisions is sufficient to bear me out in this fact: that almost every enquiry made by the house of commons in England—and I particularly allude to the enquiry in the case of no less

a man than the great lord chancellor Macclesfield—has in the first instance been *ex parte*. But was it ever deemed a good ground for throwing discredit on the proceedings of a court of justice, because the witnesses of the party accused were not summoned before the grand jury; because the grand jury had not heard the party accused in his exculpation? Unquestionably not. I have no doubt that Burr—for it is impossible; the association of ideas is so linked together that I can never separate them—it is impossible for me to think of Wilkinson without thinking of Burr also, or to think of Burr without having Wilkinson before my eyes—it is possible that *he* may and does justify his forfeiture of his recognizance on the very ground stated by the gentleman from Maryland, viz. that all proceedings against him had been *ex parte*, that he had never been heard in his defence—and yet I believe if we compare the proceedings in the two cases together, it will be readily allowed that of the two men colonel Burr was most hardly dealt by, because he was put into close confinement without being heard in his defence as soon as the bill was found against him, and very properly too. He was arrested in Mississippi territory, and brought all the way to Richmond without being heard in his defence, and had a right to take every exception to the proceedings of the court, and no doubt has done it, on the ground of their proceedings on *ex parte* testimony and not permitting the grand jury to hear witnesses or counsel, that the gentleman from Maryland has taken to the report of the select committee in this case.

I believe, sir, that if the gentleman from South Carolina (Mr. Butler) had been treated with the deference due to him, not merely on his own personal account but on account of the character with which he is clothed by the house, we should long before this time have gone through reading the most material parts of the evidence and ordered it to be printed. But that is not the object. The gentleman from Maryland told us, with a candor characteristic of him, that his object was to prevent their being read and printed at all.

Mr. R concluded by expressing a wish that the report should be read and ordered to be printed.

The report of the committee is confined to the following objects of enquiry. 1. The receipt of money by general Wilkinson from the Spanish government or its agents. 2. His connection with the agents of Spain in a project to dismember the United States. 3. His connection with Aaron Burr, and 4 his conduct as brigadier-general of the army of the United States.

On the first head of enquiry the committee report the depositions of sundry persons that so far back as the year 1789, general Wilkinson did receive money from Spanish agents residing in New-Orleans. John Ballinger deposes that two mules were loaded with money from New-Orleans for the general then at Frankfort, for which a receipt was given. A letter from Evan Jones to Daniel Clark corroborates that statement, Langlois a citizen of the United

States resident at New Orleans states, that in the year 1794, a Mr. Owens arrived at new Madrid, where he then was with a sum of money sent by the baron de Carondelet to the general, that the deponent had orders from the baron to have the sum entrusted to the charge of Owens left at the place of its destination, that six thousand dollars was embarked on board his galliot, which he himself packed up in three small barrels. That Owens' crew murdered him, and took possession of the money. Then follows a letter from the general to colonel Adair, mentioning that of six thousand five hundred and ninety dollars received for him in New Orleans seventeen hundred and forty only had reached his hand "independent of poor Owens' loss." Monsieur Bouligny formerly adjutant-major in the service of his Spanish majesty deposes that in the year 1795 he was commissioned by the baron de Carondelet to conduct the trial of one Pabillo accused of being one of the murderers of Owens and of having robbed the deceased of a sum of money, which had been delivered to him by the Spanish government for the general. That it was a matter of notoriety amongst the officers under the Spanish government that general Wilkinson was a pensioner of Spain. Thomas Portel in his deposition after confirming the account of Langlois states that the murderers of Owens were confined at Fort Washington by command of general Wilkinson, that by direction of the general, they were put in irons to be conveyed to New Madrid, that a letter was given to him from general Wilkinson containing an order to pay him five hundred dollars on the delivery of the prisoners. That they were stopped in the night by major Doyle who commanded at Fort Massac, who would not suffer them to be sent out of the territory of the United States to be tried for a crime committed in it. That the order was refused as the prisoners were not delivered. That it was the wish of the Spanish officers to have the men delivered to them rather than to be tried in the territory of the United States, lest they should divulge the secret of Owens' mission on their trial. That finally they were sent to Frankfort, and were discharged for want of evidence. William Miller swears that in the year 1794 Joseph Collins informed him, that he was fitting out a small vessel in the Bayau St. John, in which was shipped a sum of money upwards of six thousand dollars, which the said Collins had received from the Spanish government for general Wilkinson. That Collins informed him, that a sum of money nearly equal in amount had been delivered to Mr. Owens for the same purpose, that he afterwards was informed Collins arrived safe with the money at the port of Charleston. A letter from Joseph Collins to Daniel Clark states, that he left Bayau St. John 22d August 1794, and that he must have received the six thousand three hundred and thirty four dollars on the 19th or 20th of the same month. The baron de Carondelet, in January 20th 1796, in a letter addressed to Thomas Portel states, that he had sent to Don Vincent Folch nine thousand six hundred and forty dollars, which he (Portel) was to hold until an order was presented him from general Wilkinson.

A letter from Thomas Power to the said Portel next follows bearing date June 26th 1796, stating that he was verbally instructed by general Wilkinson to receive the money deposited with him. He states his reasons in *writing* why it would be dangerous for the general to give a written order for the money—he represents that the unfortunate fate of Owens aside from its being a scandalous thing, should deter his correspondent from sending the money openly, recommends its being deposited in barrels of coffee or sugar, and that some sugar should be shipped for sale at Cincinnati if any one should offer to buy the goods. Thomas Portel in a letter to his correspondent bearing date June 27th 1796 concurs in this arrangement, and states that he had written to Don Vincent Folch to send on the money as soon as possible, and wishes to know the quantity of sugar or coffee required for that purpose. The deposition of Thomas Portel after recapitulating the foregoing circumstances, states that the nine thousand six hundred and forty dollars were by him packed up in barrels of coffee and sugar: He was proceeding with the cargo up the Ohio, when he was stopped and searched by lieutenant Steele. That he landed his cargo at Louisville, and at Cincinnati informed the general who directed him to pay the money to Philip Nolan, which he did, that the deponent saw the barrels opened at Frankfort, that nine thousand dollars were accordingly paid to Nolan, and six hundred and forty dollars retained by the deponent to defray charges, that he informed the general of the delivery of the money to Nolan, who expressed his satisfaction. Andrew Ellicot in his deposition affirms, that in the year 1796 being appointed commissioner on behalf of the United States to carry into effect the Spanish treaty, President Washington desired him to enquire and communicate what causes existed for the rumors then prevalent, that general Wilkinson was improperly connected with the Spanish government, that he had several interviews with a Spanish spy by the name of Thomas Power respecting a considerable sum of money, which the said Power had taken into the state of Kentucky, which merited so little attention, that he did not communicate the intelligence. That in the year 1797 he received and did communicate intelligence that the said Power was employed on a private mission to induce the states of Kentucky and Tennessee to separate from the union, that the said Power was instructed by the baron de Carondelet not to return without having an interview with general Wilkinson. This intelligence he expects he received from some person employed about the office of the baron. In 1797 the deponent received and probably from the same source, information of a plan for dismembering the union, in which gen. Wilkinson was mentioned as one of the principals, and his correspondence with the Spanish officers which he did communicate. That in the year 1798 a letter of governor Gayaso fell into his hands stating, that Wilkinson was in the pay of Spain, which intelligence he also communicated. That captain Portel of the royal armies of Spain informed him, that the nine thousand six hundred and forty dollars that he shipped under the direction of Thomas Power to ge-

neral Wilkinson were not a commercial speculation. Mr. Ellicot, on his cross examination stated, president Washington's instructions were verbal, that the president did not communicate the grounds of his suspicion, that he was directed to examine the conduct of Lachaise, Volney and Callet, if he fell in with either of them, that he made no other reports than those above stated, general Washington to the best of the deponent's memory did not by word or manner express serious apprehension. The deponent became acquainted with Philip Nolan in the year 1797, at the confluence of the Mississippi and Ohio—Nolan's character was good as far as the deponent knew, and he rendered him essential services in his mission, he was attached to and at the hazard of his life and property would have supported the interest of the United States against any power. He believes Nolan mentioned general Wilkinson's object was commercial. He knew Thomas Power and believed his character was bad. He received intelligence from him with respect to Wilkinson but made no communications, nor should he have done of any intelligence received from him. The deponent had declared, that he considered Power the enemy to general Wilkinson, and would leave nothing undone that art, duplicity or intrigue could effect. Gayoso's letter was addressed to Thomas Power, was intercepted by means of the witness, the particulars were communicated to the department of state. He presumes that the letter is in the hands of Power, as it was addressed to him, this letter produced more effect on the deponents' mind than all his previous information. Next in order comes this identical Power who swears to the authenticity and to the truth of the following papers. Then comes a letter to governor Gayoso bearing date June 21st 1796. The substance of this letter coincides with the intelligence before given respecting the delivery of the money, its package—the impolicy of a written order from the general, all which it is deemed unnecessary in Shakspeare's dialect to stale once more, and ends with a ridiculous rhodomontade of the writer's "zeal for the service of his king" manifested by the noble employment in which he was engaged. Another letter of the 27th of June 1796, states the same facts precisely which may be dismissed without further comment. Both of these are without signatures.—Another letter without signature addressed to the baron, seems from its complexion no otherwise important than the mystery of its feature. We might be led to conjecture from its context mischief in embryo, but without extraneous assistance, we should not be competent to divine either the nature or extent of the mischief. Another letter to governor Gayoso without signature and of the same date merits the same attention and no more. A deposition of Elisha Winters is next introduced, who states that in the spring of 1791 general Wilkinson made a shipment of tobacco to New Orleans, consisting of two or three hogsheads. That the deponent does not believe that the general shipped more. That governor Miro made enquiry of the deponent concerning the general, and complained of his negligence in not shipping the tobacco. He further stated that in 1796 while he was on a visit to New Madrid and at the house of the commandant he heard a conversation

in Spanish which was interpreted to him. The purport of the conversation was that a Spanish lady was going to general Wilkinson, on further enquiry he found the lady to be a chest of dollars sent by the Spanish government to gen. Wilkinson. That Mr. Power an old acquaintance of the witnesses officiated as a male duenna to gallant this lady to the head quarters of the general. The deponent gave information to general Wayne, who sent a major Swan to intercept the damsel on her passage but he having too much gallantry suffered her quietly to proceed to head quarters. The deposition of James M. Bradford next succeeding amounts to just nothing, and we proceed to the rest. The deposition of Isaac Briggs that closes the evidence on the first branch of the committee's enquiry, states that in 1803 governor Claiborne told the deponent, that Daniel Clark had proposed to put himself (Claiborne) at the head of all the force he could raise to take New Orleans. That ten hundred thousand dollars would be at Claiborne's disposal. That general Wilkinson would co-operate: That a Mr. Keene shewed the said Claiborne a paper, which Claiborne believed to be in the writing of general Wilkinson, containing such an assurance. That in the year 1804 the deponent told general Wilkinson the report that he the general had received of the Spanish government ten thousand dollars in bags, which the general acknowledged and said it proceeded from a mercantile speculation.

On the second branch of the committee's enquiry, viz. the connection of general Wilkinson with the agents of Spain in a project to dismember the union, they reported the following documents. The deposition of Thomas Power relates that in the year 1795 governor Gayoso visited New Madrid and sent the deponent with despatches to general Wilkinson at Cincinnati. Governor Gayoso refers the general to Power's verbal account. He states that the plot in meditation was a dismemberment of the union. General Wilkinson's plan which the deponent communicated to the baron, was in part to establish a bank at Kentucky with one million of dollars capital and the choice of directors was proposed to be made from the most influential men, to secure a majority in the councils and assemblies of the state. He declared that the mouth of the Ohio must be fortified that fortifications must be erected on the frontiers, and the number of Spanish agents increased. Military magazines it was necessary to form at New Madrid. The remarks of the general were by the deponent communicated to the governor. A letter from the general to the deponent is next produced, in evidence dated March 25th 1796 which after expressing a licence that he should visit the head quarters, hints at and apologizes for an offence that is no where stated or explained. He accordingly visited the camp, returned and took charge of the sum of nine thousand six hundred and forty dollars for Wilkinson in manner as above related. The next piece of evidence is more material and consists of a letter addressed by the general to governor Gayoso, bearing date 1796 in which Power notwithstanding the evidence of Ellicot to the contrary is spoken of by the general as his friend as full of enterprise and fidelity, and as one

who deserves well of the court, and well entitled to a reward. He spoke of a reform in the Mexican provinces as indispensable to the establishment of Louisiana—requested a correspondence in cypher on the subject; recommended for the love of God secrecy, and stated that the suspicion of Washington was wide awake. He recommended Nolan, whom Ellicott was induced to think so favourably of, as a child of his own raising, and true to the cause of Spain. Next follows a letter addressed by Thomas Power to the baron Corondelet, dated 9th of May, 1797, detailing circumstances of a dark and mysterious nature, which it is presumed, it requires a key to the cyphers to comprehend: The name of General Wilkinson is mentioned, but to hazard an opinion, where from the nature of the case we must be incompetent judges, is idle and premature. A certificate follows, wherein the subscribers stated that they were well acquainted with the writing of the Baron, and that they believed the ensuing letters to be genuine. One of these, is a letter addressed by the Baron to Thomas Power, dated May 26, 1797. It detailed in the first place the difficulty attendant on the delivery of the Fort Natchez to Gen. W. pursuant to the Spanish treaty; advised that certain preliminaries should be adjusted between the minister plenipotentiary of his Catholic Majesty and Congress, before possession was taken. These difficulties Power was desired to communicate intelligence of to Gen. W. This plausible pretext appears to be a mere cover for the sequel. Power was required in the next place to sound and examine the dispositions of the people of the western states; to communicate without signature intelligence to the commandant at New Madrid; to write on indifferent subjects, and if hostile preparations were making, to put before his signature a stroke, with a number of dots above the stroke, and a number underneath. Those above were to denote the thousands, and those underneath the hundreds of which the expedition was to be composed; the number of artillery was to be designated by a number of points placed in a flourish; the points on the left to signify tens, and those on the right units. This letter was to be sent to the Baron by the commandant of New Madrid. He was furthermore directed to give information to the person with whom he had an opportunity of speaking, that the delivery of the posts as stipulated by the treaty was directly opposed to the interests of the people of the west; to descant on the advantages resulting from the separation of the western states; to represent Congress as determined to take possession of these posts; to inculcate the doctrine that this was inevitable; to cause the same to be blazoned abroad through the medium of the press, &c. He was informed that he might calculate on the sum of \$1,000,000, to be distributed in Kentucky, if that would foment an insurrection in that state. Wilkinson was spoken of as a person possessing the confidence of the army, and eminently calculated to conduct such an enterprise; that his reputation would raise an army for him, and that the people would name him the general of the new republic. These observations, and more of a similar import, he was desired to be the bearer of to W. A letter follows from Power to the Baron, 4th of June, 1797,

acknowledging the reception of the last, promising a compliance with its injunctions, speaking with confidence of the co-operation of W. and others, and predicting a glorious result. A letter from W. to Power follows, dated September 5, 1797, bearing no stamp of criminal intent, and merely speaking of the public business in which Power was engaged, and insisting on a punctual and rigid compliance with the stipulations of the treaty. Power now writes to Governor Gayoso; and here the plot seemed verging to its crisis. The letter is dated December 5, 1797. He informed him that he proceeded on his mission ostensibly for the purpose of negotiating the surrender of the posts, but in reality his mission was for another, and a criminal purpose. Here it seems this amazing patriot and excellent negotiator, not only did go beyond his instructions, but had likewise the candour to acknowledge that he did, which may perfectly well comport with his ideas of "zeal," and "promptitude," and "fidelity in the service of his Catholic majesty," avowed in the same letter. It is but fair to remark, that his "disinterestedness" in the cause which he boasts of, was to be rewarded by an office. The following propositions were not contained in his instructions: 1. If any who favoured the projects of the Baron lost his office, he should not lose the emolument. 2. That the boundary line between the dominion of his Catholic Majesty and the new states of the east, should begin at the mouth of the river Yazoo, and extend in that direction to the Tombu. 3. That the St. Fernando de las Barancas, with all the land granted to Spain in the treaty of M. G. de Lemos, should remain in his Catholic majesty's possession. 4. That the king should not interfere, directly or indirectly, in the formation of the government or laws which they may think proper to establish. We are strongly inclined to believe, that this stipulation, notwithstanding the negotiator departed from his instructions, will from obvious causes, remain inviolate. He then after a pompous detail of his services, proceeded to relate, that far from meeting with the hospitality he anticipated by Gen. W. he was by his order arrested in the quarters of his officers. Gen. W. gave him a cold reception, and stated that the Baron's object was chimerical and impracticable. He stated that the western states had obtained by treaty what they desired; that they had no motive to separate; that the hatred of his countrymen against the French was implacable; that all his plans, and the labour of ten years was rendered abortive; that he had destroyed all his cyphers, and torn all his correspondence; and that a perseverance in such a line of conduct was no longer warranted by his duty or his honour. He further stated, that Spain by delivering up the Natchez to the United States, might nominate him governor of that territory, and that he would not lack opportunities to take more effectual measures to comply with his projects. He proceeded to add observations of his own, as to the disposition of the inhabitants of the western states to revolt. In the present instance we will follow the example of, and for the reasons specified by Mr. Ellicot, decline a communication. A letter from Baron Corondelet dated April 3, 1797, is entitled to more notice. He recited sundry difficulties that at-

tended the evacuation of the posts, which seemed in the whole course of this plot to have been an indispensable preliminary to matters of a more interesting nature. He then directed his correspondent to insinuate himself into the confidence of the American commander, and to endeavour to create an animosity between him and Mr. Elliott. He further stated that he had written to General W. and sent his letter by Mr. Nolan, a young gentleman of whom he was disposed to think highly. This does not altogether coalesce with Mr. Elliott's declaration, that Mr. Nolan was in his opinion a person who would to the jeopardy of his property and life, support the interests of the United States against any power whatever. There seems some blameable matter in the Baron's letter unconnected with the details of the preceding documents, not immediately illustrative of the charge against General W. which we therefore forbear to enumerate.

The deposition of Daniel Clark, closes the evidence on this branch of the charge. The deponent stated, that shortly after December, 1786, he was employed in the office of secretary of the government of New Orleans. In 1787, General W. on his first visit to that place, was introduced by his uncle to the governor and officers of the Spanish government. In 1789, the deponent saw a letter from the General to a person in New Orleans, giving an account of a mission to him from the British government in Canada, and of proposals made to him on the part of that government, and mentioned his determination of adhering to his connection with the Spaniards. The deponent knew the objects of the General to be the separation of the western country from the United States; the establishment of a separate government in alliance with, and under the protection of Spain. Spain was to furnish the money and arms, and the minds of the western people were to be seduced by liberal advances, resulting from it, to be held out by Spain. He remembered to have seen a list of names of citizens, in the hand writing of the General, who were recommended for pensions, and the sums stated, proper to be paid to each. In 1793, or 1794, Mr. La Cassagne, one of the General's associates at New Orleans, received a sum of money; four thousand dollars of which were embarked on board a vessel consigned to the deponent. In 1794, Owens and Collins, agents of General W. came to New Orleans. The Spanish officers informed the deponent, that the sum of \$6000, was delivered to Owens for General W. on account of his pension, and that of others. Owens was murdered and robbed. Collins, the other agent of the General, fitted out a small vessel in Bayou St. John, and shipped in her at least eleven thousand dollars for Charleston. The circumstances of this shipment were fully disclosed to the deponent by General W. himself. He complained that Collins instead of sending him the money had employed it in wild speculations, and that in consequence of the mismanagement of his agents he had derived but little profit from his Spanish pensions. Mr. Power informed the deponent that he saw General W. at Greenville, and was the bearer from the secretary of the government of Louisiana of a letter, advising that a sum of money had

been sent to Power, and to be delivered to his order. This money was delivered to Nolan by order of the General. The agency of Nolan in this business he himself confessed to the deponent. Power was afterwards sent to Kentucky with directions to propose plans for the separation of the western country from the United States. Power proceeded to Detroit to see the General, and was by him sent back under guard to New Orleans. The deponent in the year 1798, visited the General at Loftus' heights, and passed three days and nights in his tent. He stated in the course of repeated conferences that the sum of ten thousand dollars was due him by the Spanish government. He said this was due on the old business of the pension. The General justified his previous conduct from the condition of Kentucky, and from the doubtful situation of the union. The General declared that he would from henceforth abandon his Spanish connections.

CHAPTER X.

THE next branch of enquiry relates to the connection General Wilkinson had in the projects of Aaron Burr. The evidence on this point has already been in possession of the public ; it is contained in the trial of Burr ; and the committee offer but a very few documents to substantiate that connection. A letter of Wilkinson's to General Adair, introduces Burr to his notice, whom he styles his friend ; and states that Burr understands the merits of Adair, and reckons on him. General W. on another occasion, is alike courteous in his attentions to Burr, as is manifested in another letter, addressed by him to Daniel Clarke, bearing date on the 9th day of June, 1805. The General declares, that " if the persecutions of a great and honourable man can give title to generous attentions, he (Burr) has a claim to all the civilities, and all the services of his correspondent ; that Daniel Clarke could not oblige him more than by such conduct ; and he pledges his life it will not be misapplied. He refers to Burr for many things improper for a letter." These are the only documents to establish the connection between Wilkinson and Burr reported by the committee, under this head, which have not already been communicated to the public.—Relative to the 4th branch of enquiry, viz. the conduct of General W. as brigadier general of the army of the United States—the committee report, 1. The deposition of William Simmons, the public accountant. The deponent testifies, that in January 1809, an account was admitted by Henry Dearborn, then secretary at war, for extra rations claimed by General Wilkinson as commanding officer at the Natchitoches, at thirty-six rations per day, amounting to \$2033 16, which he rejected. His reasons were—1. Because an act of Congress had expressed what compensation he was to receive, and more was inadmissible. 2. Two others as commanding officers had already drawn extra rations at the same posts, for the same time, and no two officers could be entitled to such allowance. The comptroller notwithstanding, directed the account to be paid, which was done. General W. obtained from the paymaster at New Orleans, 36 rations per day from the 13th March, to 30th September, 1809, amounting to \$1454 40. This the deponent refused to allow, being paid contrary to law. Col. Cushing and Col. Freeman, the two officers who received extra rations as commanding officers, which Gen. Wilkinson likewise was paid for, had been called on by the department to refund, since the payment of General W's. account, which they refused. The accountant further states, that he disallowed another account of the General's which had been paid, for the freight and charges of a schooner from Baltimore to Charleston, amounting to \$1099, for the passage of the General, consul Anderson, three commissioned officers, twen-

ty-five non-commissioned officers, musicians, privates, and waiters, with their baggage ; including 50 barrels of flour, and 12 do. of apples for General W. This money so paid, was by the accountant charged back to the General. The accountant goes on to state, that an account of \$199 65, was paid for the repairs of a boat to transport the General and family to New Orleans ; that \$700, was drawn by him from the treasury, for which he gave a receipt to be accountable ; that \$262 96, were paid to five persons for waggoning from Washington City, Baltimore, and Philadelphia, by the General's order, amounting in the whole to \$1152 61, all of which the accountant charged back to the General. Major Hook as quarter master general of the expedition to the Sabine, appointed by General W. is charged with \$16,883 12, the amount of money which he had by several bills drawn from the treasury. No such office as that of quarter master general is authorised by law, nor is there any appropriation, or head of expenditure, to which such payments are chargeable. Major H. had been applied to for his vouchers, which he had never produced, and his account had been reported for suit. He stated that a considerable part of the money was appropriated by the General for secret services, for which he held only his separate receipt. General W. was already charged on the treasury books with \$2500, received for secret services, and received payment from the treasury for the sum of \$1194, expressed as being for so much expended by him for contingent expenses, of intercourse between the United States and foreign nations ; and why this was not passed to the credit of secret service money, the accountant was at a loss to explain.

The accountant goes on to state, that \$800, were paid from the treasury to F. Sandhagen, for five horses stated by him to have been furnished for the light artillery, which account had been approved by the General. This excited some surprise that more horses should be purchased when hay was \$70, per ton, and oats \$1, per bushel. The charge was suspended until the arrival of captain Peter. He stated that those five were part of eleven horses purchased by major Morrison for the General. That the General ordered him when descending the Ohio, to take on board the horses purchased by the major. He accordingly received the eleven horses, and by so doing was detained three or four days with three or four hundred men, at considerable expense to the United States. They were taken on board the public boats, and until their arrival at New Orleans supported by public forage. On reaching that place they were delivered up as the general's private property. Captain Peter further declared, that the horses were charged at a price extravagantly high ; that Sandhagen was formerly an old hack driver in the city of Washington, and at the time of selling the horses was a servant of the general's, and not likely to be the owner of horses. The accountant wound up his evidence, by stating that General W. usually drew what monies he was entitled to by anticipation ; that he was frequently in the habit of drawing money from the paymaster and public agents unauthorised by law ; that all such disbursements were charged to his own private account, considerably encreasing the ba-

lance standing to his debit in the books of the office. The deposition of captain Peter goes to corroborate the statement already given. Captain Williams in his deposition states, that on January 24, 1809, 50 barrels of flour had been put on board the schooner Wolf, belonging to the General; that the General and himself were on board; that flour was taken from the schooner and put on board the United States brig Hornet, in which he sailed for the Havanna; that a few barrels of flour were presented to the general of marine, an officer of the Spanish governor, by order of Wilkinson. The chief clerk in the department of war testifies, that in the year 1808, after the determination of the military court of enquiry on W's. conduct, he came into the office while the papers relating to his trial were lying on the table, took them up, and observed either that they belonged to him or were promised to him, and carried them off; since which time he did not know of their being returned. We shall in the proper place notice the exculpatory evidence of the General on this point. The accounts alluded to by the public accountant follow next, which we shall pass over without notice. A letter stated by the committee to have been written by General W. to Daniel Clarke, Esq. closes the evidence on this branch of their enquiry. The material part of this document seems to be, that if a certain officer was not removed, there would be a revolt, "Burr or no Burr;" that the moment Bonaparte compromised with Great Britain would be the signal for a general rising of the French and Spaniards, and if the Americans did not join, they would not oppose. This letter bears the signature of R. R. The committee in their report submitted sundry other papers relating to tobacco, and other commercial transactions in which General Wilkinson was engaged. The first is a letter from the General to Messrs. Clarke and Keene, merchants at New Orleans, bearing date May 20, 1790. It authorized his agent, P. Nolan, to settle with them for the unfortunate adventure of the Speedwell. He stated as a consolation, that while he abode by a dead loss on the sales, they would be indemnified by the advance they had upon the merchandise originally furnished from their store to the adventure, for which they received cash. Nolan was authorized to act in the storage and inspection, because the quantity shipped would overrun the claims of the owners nearly two thirds. He had determined to make no discrimination in the tobacco, for fear of accidents to the boats, which might be assigned to the account of the Speedwell; and lest he should be charged with partiality in having selected the best tobacco. He mentioned that one of his flats loaded with forty hogheads, sprung a leak and sunk. This would detain the tobacco to his next shipment, when it would go down on the same principles of the cargo he then sent, of which it was intended to form a part. On the 20th of June, 1790, the General writes to those correspondents again, stating that his boats unfortunately grounded in Kentucky, and were left by the flood; that events had justified his making no discrimination in the tobacco shipped at that time, or in allotting any separate portion for the account of the Speedwell, as three of the fleet were still aground in Kentucky river with one

hundred and eighteen hogsheads on board. He adhered to the equitable principles avowed in his former letter, although he expected to suffer a loss of 12 or 15,000 pounds of tobacco. Mr. Nolan certified, that being applied to by Daniel Clarke, jr. attorney of Clarke and Keene, to investigate an account settled between them and Wilkinson, he discovered an error to the prejudice of Clarke and Keene, amounting to \$473, and two rials, occasioned by their giving him credit twice for that sum; being the expenses of his journey from Kentucky in the year 1788. A receipt from General W. follows, acknowledging that he had not accounted with Daniel Clarke for his half of the adventure of merchandise shipped per the batteau Speedwell, from New Orleans to the falls of the Ohio, consigned to Wilkinson and Dunn; that he would invest the proceeds of the adventure in good merchantable tobacco, in the month of December then following. He also in the receipt acknowledged that he had a debt due to the said Clarke, from Craig and Johnson, for 318*l.* 13*s.* 7*d.* Virginia currency; that he would, or that in case of his death, his heirs should ship tobacco to the amount thereof, as soon as he or they should recover the same; that when those obligations were performed, that the articles of writing declaratory of a connection with Clarke, by Wilkinson and Dunn, should be of no effect; as likewise a power of attorney which he held from Clarke. Next follows those articles of agreement, bearing date August 7, 1788; by which James Wilkinson and Isaac B. Dunn, on the one part, and Daniel Clarke on the other, agreed to carry on a commerce between the district of Kentucky and the town of New Orleans. W. and D. were to purchase in Kentucky, or on the waters of the Ohio within the state of Virginia, tobacco, flour, tallow, hogs' lard, beef, pork, &c. on the joint account of the firm. The same was to be sent down in good order, dangers of the river excepted, addressed to Clark, to be converted into cash for the joint benefit of the firm. It was further stipulated that Daniel Clarke should purchase, and send to the Falls of the Ohio, European and West India commodities, addressed to W. and D. to be converted into cash for their joint benefit. W. and D. were each to enjoy one fourth of the profits, and to suffer that amount in the loss. Clarke was to enjoy the other half of the profits, and to suffer the same amount in the loss. This agreement was to take place December 1, 1788. The instrument contained a promise that no tobacco sent down by W. antecedent to that day should be affected by that connection. As Daniel Clarke was then preparing a shipment, that shipment was for, and at the risque of the concerned, in proportion as above stated. The parties were to charge no commissions on the purchases and sales. We are now presented by our committee with a full deposition of Walter Jones, jr. who officiated as judge advocate and recorder to the military court of enquiry called on the conduct of General Wilkinson. He related that on the 16th of February, 1808, he came before the court, and desired that the affidavit of Daniel Clarke might be received as evidence at its intrinsic value, reserving to W. all the objections on the score of credibility, which was accordingly done; certified copies of the docu-

ments laid on the table of the house of representatives by Mr. Randolph, were reserved upon file for further proof. Gen. W. attempted to disprove the evidence of Clarke, 1st, on the ground of his, Clarke's, vindictive passions towards him, arising from his alleged confederacy in Burr's conspiracy, which W. was so active to *suppress*. 2d. By proving declarations of Clarke, prior to his affidavit, inconsistent with the statement it contained. 3d, By attempting to disprove an important circumstance, his spending three days and three nights in General W's tent. General W. likewise took the deposition of Mr. Cox, for the purpose of proving some circumstance to Mr. C's disadvantage; but the witness after negating the interrogatories of General W. to that point, disclosed circumstances corroborative of C's evidence, or of the integrity of his motives. The last witness prior to the delivery of the General's defence in writing, was Oliver Pollock, produced to prove the innocence of his Spanish connections from circumstances within the personal knowledge of the witness. On the part of the prosecution was produced the deposition of Andrew Ellicott, relative to transactions or concerns between General W. and the Spanish government, its officers or agents; the deposition of R. G. Harper, corroborative of Clarke's evidence, by proving prior conversations between them, in which the evidence relied on by the General was attempted to be rebutted. This the deponent believes to be the whole evidence before the court when the General rose in his defence. When the General was reading his defence, he referred to a great number of papers never before submitted. These were successively presented to the judge advocate, which he preserved for file, and of which he kept a numerical list amounting to fifty-five new exhibits. The definitive opinion of the court was drawn up in writing, signed by the members, and delivered to the deponent, together with all the papers, for entering up the record and transmitting the whole to the war department. The deponent having been prevented by professional avocations from completing the record, at length received a message from the secretary of war, requesting his attention to the subject. He accordingly assorted the evidence into several bundles, marked and labelled them for presidential revision, applying them to the various points of the case. The papers were thus sent to the war department accompanied with a request that the papers might be returned to him after the revision of the president, for the purpose of completing the record. By some omission of the judge advocate, one document, entitled History of the trade of Louisiana, was not sent. The completion of the record was delayed on account of the absence of colonel Burbeck, the president of the court, whose signature was required. The deponent on the return of the president, sent to the war department for the papers, and found they were missing; but had no suspicion that they were in the custody of W. —He did recollect that General W. requested that when they came into his hands he might be allowed the loan of them in order to correct or retouch his defence previous to its publication. This

the deponent thought reasonable, and if the extract from his defence which decorated the columns of our public prints at that time was a faithful one, we do not wonder at the opinion he formed. The judge advocate at the request of the committee looked over the bundle of papers said to have been returned by W. and could not say either from his recollection or memoranda, that there was any "deficit," or correctly speaking, deficiency of witnesses or documentary evidence previous to the time of the General's making his defence. The judge advocate acknowledged that of the papers transmitted to him by the war department, there were missing the whole of the general's written defence, and the fifty-five exhibits produced for the first time in the course of delivering that defence, except certain papers which he believed to have comprized four of those exhibits. The judge advocate gave the following relation of the account current between governor Myro and Wilkinson; That said account was introduced amongst a number stated to have been in the hand writing of, or to have been transmitted by General Wilkinson's deceased agent P. Nolan. That it was handed about to the members of the court, and that the deponent cannot recollect either the date, the items, the gross amount, or the balance, nor the agent by whom it was signed and rendered. It was either enclosed in a letter from Nolan to W. or tied up with letters or other papers of Nolan, so that the account, together with those papers formed one exhibit. He felt morally certain that it was comprized in one of the two exhibits marked No. 6, papers of Nolan, or No. 9, Nolan's letters. The accounts that form the remainder of the documents, together with Mr. Coxe's deposition authenticating certain documents, comprehend the remainder of the papers reported by the committee. Of the papers of which the judge advocate speaks so particularly, the committee thus report—That they conceiving that the papers collected by the court of enquiry would aid them in their investigation, made application to the secretary of war, but were unable to obtain them, they having been taken from the office by General W. that they directed a subpoena to W. requiring him to send or produce the papers which had been used or collected by the court; that General W. did send a packet that did not contain either the account or letters referred to in the sentence of the court, nor had the committee been able to procure them, nor consequently could they have it in their power to compare the accounts which they exhibited with those laid before the military court of enquiry. We confess we do not feel the force of the distinction between papers used as evidence before or after the General rose in his defence, so far as to authorize that personage to take either the one or the other from the office. The question is totally immaterial at what time the evidence is produced, and the only question is, is it evidence. General Wilkinson relied on those papers to prove his innocence, and from the moment of their reception as such, they should have remained on file a public record to perpetuity.

Is it then a sufficient justification for him to detain them from the

inspection of the committee on the frivolous plea that they were used after he rose in his defence? Courts of law indeed have in certain instances, and always as a matter of special grace, authorized the delivery of an original paper, but always in such cases enjoin that a certified copy shall be kept as a substitute. Compared with a precedent so dangerous as the one now established, the paltry excuse of obtaining the papers to retouch a defence for a newspaper sinks into nothing. The sentence of the court does not more partake of the sanctity of a record than the evidence. How will posterity, who will undoubtedly be interested to learn how that question was decided, be able to ascertain the justice of the sentence when the evidence is gone. It will stand for aught they know unwarranted by testimony, and will to those disposed to censure, furnish something like a pretext for so doing. However we do not wish to press the point so far as Mr. Nelson did, who, as will be seen, avows himself the general's friend, when he justified the detention of Wilkinson's defence from the committee, by stating that *no man was bound to produce evidence against himself.*

FOREIGN STATE PAPERS.

VOL. VI.

A



FOREIGN STATE PAPERS.

IMPERIAL DECREE.

*In the palace of the Thuilleries,
29th March, 1809.*

LEGION OF HONOR.

*Statutes for the organization of
the imperial Napoleon establish-
ments.*

NAPOLÉON, by the grace of God, and the constitutions, emperor of the French, king of Italy, and protector of the confederation of the Rhine, &c. &c.

We have decreed, and do decree what follows:

Art. I. The imperial Napoleon establishments shall be under the special protection of a princess of our royal family, who is to inspect those establishments, to see that the regulations are strictly executed, and to lay before us their wants. She shall take the title of protectress.

TITLE I.

*Number of pupils and conditions
of their admission.*

II. Six hundred ladies, daughters, sisters, nieces or cousin Germans, of the members of the le-

gion of honor, shall be educated in two separate establishments belonging to the legion, viz. 300 in the imperial establishment of Ecoeuen; and 300 in that of St. Dennis.

III. Of this number of 600 young ladies, 200 shall be educated at the expense of their families, 300 half at the expense of the legion, and 100 entirely at the expense of the legion.

IV. Those who are educated whether half or entirely at the expense of the legion, must be daughters or sisters of members of the legion of honor.

Those who are educated entirely at the expense of the legion must be either daughters, sisters, neices or cousin Germans of members of the legion.

V. The board and education is fixed at 1000 francs.

The half boarders pay 500 francs.

VI. At their entrance, both the free boarders and those who pay the sum of 400 francs, being the value of the cloaths and necessaries to be immediately furnished by the establishment.

VII. The parents and pupils must engage to pay yearly into the chests of the legion of honor, the sum of 400 francs to be laid

out in subscriptions in the ledger. The capital and the interest at the rate of 5 per cent. shall accumulate during ten years, and at the expiration of that period the whole sum shall be paid to the pupil.

VIII. The parents or relations of the pupils shall not be holden to pay the annual sum ; but otherwise they must produce a responsible person to give security to receive the pupil upon her leaving the establishment.

IX. No pupil can be taken away from the establishment by her relations until she is eighteen years old, or until her education is completed.

X. No pupil can remain in the establishment after the age of twenty years, unless the protectress has granted a special authorization for that purpose.

TITLE II.

Organization and distinction of ranks.

XI. Every establishment shall be directed by a governess, who shall be appointed by us upon the presentation of the protectress.

XII. The governess shall take the following oath from the hands of the protectress :

“ Madam, I swear before God to you——to fulfil the obligations which are prescribed, and not to make use of the authority which is confided to me, except to bring up the pupils in an attachment to their religion, their sovereign, their country and their parents ; to be for every pupil, a second mother and to prepare them by the example of good morals and labor, to the duties of a virtuous wife and good mother of a family, which they will be one day called upon to fulfil.”

XIII. Every establishment shall have six female dignitaries, six ladies of the first class, and twenty young ladies, or ladies of the second class, who shall have the title of demoiselles.

Articles XIV, XV, XVI, and XVII, regulate the forms of appointing these ladies.

The Title III. relates to the interior regulation, police and discipline.

The Title IV. organizes the council of administration——salaries and expenditure.

The article XXV. States that the treasurer of the legion of honor shall pay yearly into the chest of each establishment, 800 francs for every pupil admitted gratuitously, and 400 francs for every half boarder.

TITLE V.

General provisions.

XXIX. The high chancellor of the legion of honor is holden to make at least once every year, a general visit in the imperial Napoleon establishments, in order to make a report to us of their state and wants ; he shall cause the council of administration to be held in his presence, and shall receive the complaints which may be made to him.

XXX. The Demoiselles, ladies and Dignitaries may, in virtue of a special order from the protectress, pass from one establishment to another, when the service may require such a removal.

XXXI. We reserve to ourselves to grant an honorary distinction to the ladies of the imperial Napoleon establishments who may have rendered important services in the administration of those institutions.

XXXII. We also reserve to

ourselves to regulate, by a particular decree, the means of granting places to the widows of members of the legion of honour, and a momentary asylum to the wives of the members of the legion of honor who may be absent on our service.

XXXIII. Our high-chancellor of the legion of honor is charged with the execution of the present decree.

NAPOLEON.

By the emperor's command,
The minister secretary of state,
H. B. MARTE.

—

*"From our imperial camp at
Ratisbon, April 24, 1809.*

Napoleon, emperor, &c. &c.

"Whereas, the ancient princes and counts of the empire, who, by virtue of the act of the Rhenish league, have ceased to be immediate princes and counts, ought, agreeably to the 7th and 31st articles of that act, to renounce the service of other powers than the confederated states or their allies, and to establish their residence within the confederated or allied states.

"And whereas, a certain number of these have not only not conformed to those provisions, but have even placed themselves in a state of permanent revolt against us, and against the sovereigns of the confederation:

"And whereas, it is principally owing to their intrigues that the people of the continent owe the renovation of hostilities:

"And whereas, in order to consolidate the confederation of the Rhine, and cast out from its bosom every influence contrary to its prime interests, it is indispensable

to dispossess the ancient princes and counts of the empire, who have taken advantage of the property they possessed within the states, to conspire with Austria against the confederation:

"And whereas, considerations of deep policy command this measure as most fit to procure the re-establishment of public peace in Germany:

"We have decreed, and do decree as follows:

"Art. 1. Sequestration shall be put upon all the estates of the late princes and counts of the empire, and members of the Equestrian order, who have not conformed with the 7th and 31st articles of the act of the Rhenish league, and especially of those who continued to fill any employment, civil or military, in the service of Austria.

"2. The estates shall be confiscated: to wit, one half for the benefit of the princes of the confederation of the Rhine, as an indemnity for the expenses of the war, and to indemnify their subjects on account of requisitions, expenses, and other losses occasioned by the war: and the other half for our benefit, both as an indemnity for the expenses of the war, and in order to reward the officers and soldiers of our army, who have rendered the greatest services in the course of the campaign.

"NAPOLEON."

—

RUSSIAN DECLARATION.

*Petersburgh, 25th April,
5th May N. S. 1809.*

"The peace between France and Austria, which has long been

wavering, is at length entirely at an end. By the last advices, the Austrian troops have at last entered the duchy of Warsaw, and the states of Saxony and Bavaria.

"It is thus that the flames of war which had been so lately extinguished upon the continent, have just been rekindled, and, by the force of circumstances, it is necessary that all the powers of Europe should take up arms again.

"The preparations for war on the part of Austria, were the first cause for this misunderstanding. Russia could not see this with indifference. Every means were employed from the beginning to put an end to them.—The guarantee of Russia of the integrity of the Austrian states was even offered, and at the same time it was declared, that in virtue of the existing alliance with France, every attack upon the present order of things, would be considered as a violation of the rights stipulated by treaties, which ought to be maintained by the force of arms.

"Austria, not rejecting the pacific offers made to her, pretended at first that her measures were only defensive—that they were occasioned only by the fear of the danger which threatened her; that her intention was not to undertake an offensive war, and that she would not break the peace.

"Facts have proved how little value these assurances were. The measures of defence which progressively increased, have changed into offensive measures. In the room of the fear that was expressed, ambitious plans have been developed, and the war was broken out by the invasion of foreign states, even before any de-

claration of war in the accustomed form.

"Austria, who knew perfectly well the conduct which Russia would hold under the present circumstances, has determined to renounce her friendship, and rekindle the flames of war, even upon our frontiers, rather than desist from her projects.

"In consequence, orders have been given to the Russian ambassador at Vienna, to quit that capital immediately, and it has been declared to the Austrian ambassador at this court, that from this moment his diplomatic functions have ceased, and that all relations are broken off with him and his court."

—

DECREE BY THE PRINCE PRIMATE OF THE RHINE.

Frankfort, Sept. 15, 1808.

"Charles, by the grace of God, &c.

I. Good laws are founded on reason; and reason in a moral sense, is the opinion of justice and injustice which the Creator has imprinted in the heart of man in indelible characters. When the sophisms, passions and prejudices, mislead the mind of man, time dissipates the error; but the principles of justice are eternal. The false idea of the Romans about slavery exists no more; but their luminous conceptions of real right will remain for ever, and are the unerring guides of an enlightened jurisprudence.

II. Every man has the unalienable right of knowing the laws by which his actions and pretensions are to be governed. A code in the common language, or a trans-

lation of a code adopted as law, procures this essential advantage.

III. The fundamental principles of justice and injustice are general, and since they are such, they are applicable to particular cases. It would be useless to form different codes of laws in every state bounded by narrow limits. There are, in the German language, codes of civil law of acknowledged merit. The Prussian code unites the merit of precision and of being complete. The author of the ancient Bavarian code was impressed with the true spirit of Roman jurisprudence.

The laws of Austria cut short an useless length of proceedings. But among all the codes in existence, that of his imperial and royal majesty the emperor Napoleon combines all the advantages which are peculiar to each.

IV. The first advantage is, that the greatest French lawyers have agreed in its adoption under the greatest man of the age. The name of his highness the prince arch chancellor Portalis, Pre-ameneu, Tronché, and of so many other excellent persons, suffice to prove this truth. The discussions of the council of state, of the conservative senate, of the tribunals of justice, of the legislative body, of the courts of appeal, have matured this work.

True, Germany, in every age, has produced excellent lawyers. The exalted merit of Bolmer, Leiser, Thomasius, Ludewig, Moccius, Heinecke, Stricke, &c. is acknowledged. At this time, the Goennors, Almedingen, Scidensticker, Lacharie, Grellman, Faob, Meister, Hugo, as well as many others, have shone conspicuous in the field of science. But as it might otherwise be excellent in

the constitution of confederated sovereignties, it would be difficult to bring together in one place lawyers residing in different sovereignties, to combine their labors for the completion of a code, and it is this combination of enlightened men who have perfected such a work.

V. The second advantage which the Napoleon code possesses, is, that the discussions in the council of state, relative to the laws of which it is composed, are published, and the work of the careful and prudent compiler Locre, exhibits the spirit of the Napoleon code in a luminous point of view.

VI. The third advantage which the Napoleon code exhibits, is, the establishment of assemblages of kindred and of justices of the peace.—These two institutions have a happy effect in the maintenance of order and in the preservation of good morals.

VII. These motives have determined the adoption of the Napoleon code in the primatial estate. The law will commence its operations on the first of May, 1810.

The German translation of professor Exhard, of Leipzig, is provisionally adopted.

VIII. We reserve to ourselves to publish successively the explanations which will become necessary in the practical execution of this legislative code.

Done, at Aschaffenburg, September 15, 1809.

CHARLES,
Prince Primate,

—
ROYAL DECREE

When all Europe has been scandalized at the violent and trea-

cherous means used by the emperor of the French against our beloved and captive sovereign; when the whole Spanish nation, by a rapid and simultaneous movement, has sent forth the cry of indignation against the tyrant, and taken up arms in a rage to support her lawful rights, those of her unfortunate king, the liberty of the country, and the integrity of the monarchy; when the captious promises with which the usurper attempted to lull asleep the loyalty of the Spaniards, and to unnerve their valor and constancy, have been converted into profanations, robberies, devastation and ruins; when his inhuman satellites take a barbarous pleasure in imbruing their murderous hands in the blood of innocent and defenceless victims—when the friendship, alliance and hospitality, with which, for such a series of years, and in such a direct opposition to our interests and prosperity, we gave so many proofs to France of the frankness, nobleness and generosity of our character, have failed not only to repress the ambition of one man who aims at erecting thrones for his family over dead bodies and ruins, but even to soften the cruelty and fury of his soldiers, who, unmindful of the principles formerly proclaimed by their countrymen in the face of the world, now co-operate in the most unheard of usurpations; and when so many acts of violence, so many atrocities excite the horror not only of all the loyal Spaniards, but of all good men in every country—it seemed impossible, that, amidst so noble and faithful a nation, men should be found sufficiently wicked and corrupt, scandalously to act contrary to the general opinion of their country-

men, and decidedly to embrace the tyrant's party, being the vile instruments of his machinations and perfidies, and contributing to the ruin and slavery which they themselves ought to oppose, even with the loss of their lives. And yet, the publicity, which they have given to their actions, by accepting the highest situations about the usurper's person, writing seductive letters to stagger men of distinction in their loyalty and patriotism, and doing still greater injury to the country, than the French themselves could have done without their assistance and perfidious suggestions, has proved, to the whole kingdom, that such has been, and as yet is, the abominable conduct of several Spaniards, unworthy of this name, and whom the public opinion ought to hunt out, as men ungrateful to their legitimate sovereign, who had reposed an unlimited confidence in many of them, as traitors to the country, and as deserving to be punished with the utmost rigor of the law. Moved, therefore, by these just causes and considerations, our lord king Ferdinand VII. and, in his royal name, the supreme board of government of the kingdom, decrees as follows:

I. All the property, rights or claims, belonging to all individuals, of what rank, quality or condition soever, that shall have followed or may follow the French party, shall be confiscated, and more particularly those of D. Gonzalez de Farrill, D. Miguell, Josef de Azanza, the Marquis Cabellero, Count de Camporde Allange, duke de Frias, count de Cabarrus, D. Josef Mazaredo, D. Mariano, Luis de Urquijo, count de Montacco, D. Francisco, Xavier de Negrete, the marquisses de

Casa-Calvo, Vendaya, Casa Palacois, and Monte Hermoso, D. Manuel Romero, D. Pablo de Arribas, D. Josef Marquinary Gelindo, the marquis de San Adrian, D. Tomas de Morla, D. Manuel Sixto Espinosa, D. Luis Marcelino Pereyra, D. Juan Llorente, D. Pedro de Estala, D. Francisco Gallardo Fernandez, the duke de Mahon, D. Francisco Xavier Duran, D. Francisco Amoros and D. Josef Navarro Sangran—which individuals, from their notorious disloyalty, are held and reputed guilty of high treason.

II. Any of them that shall be apprehended, shall be delivered, as such, to the tribunal of public safety, to undergo the punishment due to his crimes.

III. This decree shall be published, that it may come to the knowledge of all: and, understanding it so, you shall make the requisite dispositions for the execution thereof.

M. THE MARQUIS DE ASTORGA,
President.

Royal palace of the Alcazar, Seville, May 2 1809.

TO, D MARTIN DE GARAY.

—
DECREE OF THE SUPREME JUNTA
FOR ASSEMBLING THE ANCIENT
CORTES OF SPAIN.

The supreme Governing Power of the kingdom, considering it to be the primary obligation to free the country from the evils which have until now afflicted it; all which have been occasioned by the arbitrary laws to which it has been subject; pursuing the just and mild intentions of our beloved king Ferdinand VIIth, who was desirous to re-constitute

the Monarchy; re-establishing it in the National Representation of its ancient Cortes, desirous that the nation should take before the eyes of Europe and the Universe, the noble and strong acts of a people worthily and legally constituted, desirous that this great work should be performed, which the circumstances command, and the heroic sacrifices of the people require, anxious that it should approach to that degree of perfection which men are allowed to obtain, when they proceed from good faith, and with a desire of doing right, had decreed as follows:

1st. All wise Spaniards who have meditated on projects of reform with respect to the constitution of the kingdom in general, as well as on the particular branches of public administration, are invited by the Junta to communicate their ideas with full liberty, and as they may judge may answer best for the good of their country.

2d. Those writings shall be sent to the Junta through the Secretary's office, within the term of two months from the date of this decree, and authors will subscribe their names, or a mark by which they may be known in proper time.

3d. These writings, after being examined in a summary way, the writers of those which are found to be really useful by the observations, or by the knowledge they contain, shall be called upon, in order to take a part in the commissions of reform, which shall be immediately created.

4th. These commissions shall be presided each by a member of the Junta; and in them will be examined and prepared the

works which are to be presented for approbation.

5th. The projects approved of by the Junta shall be presented to the national sanction, and from it will receive the character, the authority, and the force of law.

6th. The Junta does not anticipate its judgment, to prepossess the public opinion with respect to these projects: it only believes that it ought to announce from this moment certain principles, upon which the wish and desire of the nation has irrecoverably resolved, and from which nothing that can be written or discussed on the subject of reform can alter. Those principles are reduced to the following:—

The Catholic, Apostolic, Roman religion, is the only religion of the state. The constitution of Spain is to be a monarchy, hereditary in Ferdinand the VIIth. his descendants, and those called by the law to succeed them. The nation is to be governed henceforward by the laws freely deliberated, and administered—there shall be a national Cortes, in the manner and form which may be established, taking into consideration the difference and alterations which have taken place since the time when they were lawfully held.—Our American and other colonies shall be the same as the metropolis in all rights and constitutional prerogatives. The reform which our legal codes, administration, and recovery of public rents, and every thing belonging to the direction of commerce, agriculture, arts, education, as well national, marine, and warlike, are to undergo, shall be only and exclusively directed to obtain the greatest ease, and the better illustration of the Spanish

people, so horribly teased until now.

7th. The nation which shall be legally and solemnly constituted from———On that day, the general Cortes of the Spanish monarchy, after being so long neglected, shall meet together for the first time.

—

Madrid, May 4.

Yesterday his majesty opened the first council of state, formed according to the decree of the 24th February last: it consisted of the ministers, the members of the former council, the marquis of Baxamar, don Thomas de Morla, the marquis de Branciforte, chevalier don Sebastian Pirmela: the following were nominated by his majesty as members of the council of state—the marquises de las Amarillas, de Musquiz, don Stanislaus de Lugo, don Francisco Angelo, don Juan Antonio Lorente, don Pedro de Echeverri, don Joseph Justo de Salcedo, don Bernardo de Iriarte, the marquis de Almenaro, don Zenon Alonzo, don Manuel Maria Cambronero, count de Guzman, don Francisco Xavier Duncan, don Joseph Ignatio Joven de Salas, count de Casa Valencia, count de Melito, count de St. Anastasio, don Manuel Sisto Espinosa, don Santiago Romero, and don Blas de Aranda; the other members of the old and of the new council, who were not present at the sitting, were on various missions by his majesty's orders.

The first act of the council was an oath taken by all the members, before his majesty, to fulfil their duties as counsellors of the

state solely for the honor of the nation and the glory of the king, according to the injunctions of the constitution. His majesty then pronounced a discourse to the following effect:—

Gentlemen: In convoking, in this assembly, those ministers who exhibited energy in trying circumstances, and made sacrifices for their country and for me, because they knew the wishes of my heart; in calling together counsellors of state chosen by the public opinion from all classes of society; and in assembling around me the former counsellors of state to compose a part of a constitutional senate, which shall have a spirit superior to past errors, and have no other object but the happiness of the country;—I have been anxious to have near me the most illustrious personages, that I might learn from them the wishes of the whole nation, that I might thereby more safely direct the public affairs, and establish by the readiest means a durable constitution. At the present crisis, the selfishness of a few individuals will not be able to counteract or impede measures calculated to promote the welfare of the people at large: the nation, acquainted with its true interests, will find in the constitution all the benefits, that result from an acknowledgment of the rights of the people, from civil liberty, and from a union of all the provinces of Spain in a single political body.

“Spain will be happy, when particular interests and privileges shall give way to the public prosperity, and be merged in the freedom and well being of the whole people: It will be invincible and independent, when the Castilians, Arragonese, Biscayans, and Cata-

lonians, shall forget their old differences and distinctions, and bury them all in the common feeling and name of Spaniards.

“Indeed, the internal prosperity and external independence of the nation, can alone give value to the throne, which I occupy; and unless I should be able to perform the duties of a king and of a good man, that throne will become a source of regret, and an object of detestation.

“Such are my wishes and my sentiments, such will be the constant objects of my solicitude. But before the changes I have mentioned can be effected, we shall find many obstacles opposed to the reformation; yet we shall be able to surmount them, since nothing can resist a sincere desire to promote the public welfare, sustained and assisted by experience and indefatigable industry.

“This, gentlemen, is the difficult, but at the same time glorious, undertaking, to which you are called.”

His majesty having terminated his discourse, and nominated several commissions, for the transaction of the most urgent affairs, retired; when the council resolved to wait upon him in a body, and offer the homage of their respect. They were received in the hall of audience, when his excellency don Joseph Michael de Ayauza, in the name of the ministry, spoke as follows:—

“Sire;—Your ministers have heard with emotion the discourse which you have just addressed to the council of state, and recognized in it those principles by which your conduct has uniformly been governed. They are persuaded anew of the beneficial objects of all your majesty’s wishes, and hear with enthusiasm, that the

Spanish monarchy is to enjoy the blessings of civil liberty and independence, and to assume among the nations of Europe, that rank which it formerly held. Your wisdom and energetic measures, not only exalt your own character, but destroy all the perfidious hopes of the enemies of the public welfare. The members of your council will unite and redouble their zeal to promote the paternal wishes of your majesty—they swear to regard as their greatest duties, the promotion of the public good, and the glory of your majesty according to the dispositions of the constitution.”

His excellency don Thomas de Morla, in the name of the ancient council, then addressed his majesty. He recalled the painful recollections, and retraced the causes of the convulsions which had destroyed the political body of the ancient monarchy of Spain, the anarchy and disorders that ensued, the inability of the magistracy to correct the evil, and the intestine wars and commotions of which the people had been the victims.—He congratulated his majesty on his good fortune, in being called to remove those afflictions by the wisdom of his administration; and concluded by pronouncing the wishes of the ancient council of state, and the promises which all its members made, to second the views and exertions of his majesty.

His excellency, Don Joseph Ignacio de Salas, in the name of the members of the council of state, tendered his majesty the assurance of their high respect. He declared that the adoption of the new constitution terminated the evils with which Spain had so long been afflicted, and conse-

crated to posterity the epoch, when his majesty, placed on the Spanish throne, opened under the auspices of his august authority, the book of the new constitution, and said “this is the guarantee of your happiness; by this will be repaired those evils, with which Spain has for ages been afflicted; this will prevent the introduction of new abuses.” Such, said the orator, are the advantages afforded by the new constitution: it demands but one sacrifice, and that was introduced by your majesty’s desire, it restrains your royal authority, by establishing parliaments in the kingdom, composed of representatives of the clergy, nobility, and the people, the better to preserve the rights of the nation. The orator concluded by assuring his majesty, that every member of the council would exert himself to merit the approbation of the king, and the confidence of Spain.

His majesty answered in detail each of the orations, on the several points in their discourses, and in such a manner as to excite the zeal, intelligence and patriotism of the members of the council, in the important functions that were confided to them.

On the 15th May, a royal decree, to the following effect, was issued:—

“Considering that many of the absent ecclesiastics and public officers are deceiving the people, by exciting false hopes and circulating unfounded intelligence; we have, with the advice of our ministers, decreed and do decree as follows:—

Art. 1. All ecclesiastics and public officers, of whatever class they may be, who quitted their employments and have been ab-

sent since the 1st November, 1808, are ordered to return to their posts within twenty days from the date of the present decree.

2. In case they shall be absent, after that term, they shall be deprived of their employments, and their estates shall be sequestrated.

3. Our royal commissaries, presidents, intendants, governors, arch-bishops, bishops, chapters, and other chiefs of establishments, are required to furnish us with a list of those officers, who shall not have returned to their places, within the time specified, in order that we may, as we are bound to do, nominate persons in their stead, who shall be competent to the discharge of the respective duties.

4. The regulars, who shall not, within the said term, return to their convents, unless they shall have received permission to be absent, shall be subjected to a seclusion of ten years.

5. The religious, who belonged to convents that have been suppressed, shall be condemned to four years' seclusion, if they do not proceed within the said term to the convents to which they were nominated; the same punishment shall be inflicted on such clergy as shall be absent from the places assigned them.

6. The superiors of the regular orders are hereby enjoined, at their responsibility, to send to our minister for ecclesiastical affairs, lists of those religious who shall be absent.

7. Every secular or regular clergyman, who shall attempt to mislead the people or to excite them against our government or person, shall be arrested by the

magistrate of the nearest place, conducted to the capital, and tried by the extraordinary criminal junta, according to the decree of the 16th February last.

8. Every convent shall be suppressed in any district, in which any individual of the army may be assassinated, unless on the apprehension of the guilty it shall appear that such convent was innocent."

Another decree of the 6th May, contains the following regulations:—

"Every public officer, on entering upon the duties of his station, shall take the following oath:

"I swear to fulfil the obligations and duties of———, solely for the welfare of the nation, and the glory of the king, according to the dispositions of the constitution."

ADDRESS OF THE CENTRAL JUNTA
TO THE SPANIARDS INHABIT-
ING THAT PART OF SPAIN UN-
DER THE CONTROL OF FRANCE.

Spaniards! Ye who groan in the provinces occupied by our Tyrants, know, that Napoleon, wanting forces to oppress Austria, demands one hundred thousand of you to reinforce his armies! Thus what security is given you, in his invitations to return and enjoy the repose of your homes! His promises not to molest you then, are but so many illusive attractions, by which he meditates the occasion to drag you thence to these remote climates! And to what end? To fight against those who have risen to defend our cause, and to maintain our in-

dependence—against our brothers!!! Who among you will consent to be led on to the accomplishment of so vile an undertaking! Who of you will go to share in Germany, the detestation that accompanies the armed satellites paid to carry devastation through Spain? Did you think to find repose? Lose these hopes? Nor house, nor fire-side, nor family, nor endearments of domestic enjoyments, nor the society of friends, nor the useful and innocent labours of your fields, shall ever more be yours, unless you wrest the independence of your country from the perfidious grasp of your oppressors. Fly then to her standards? then you will find liberty security and honor. They wave for you to join them! If any of you, seduced by the hopes of a tranquillity and repose, but now to be found, have ill-advisedly withdrawn from her banners, your country forgives you this imprudent flight, the offspring of momentary weakness!—Return!—No alternative now remains between war and peace—Choose whether it is not more glorious to become the virtuous defenders of your country in need of your aid; than to rank among the French—Paricides towards men, sacrilegious towards your religion, impious towards God, and to live and die loaded with the curses of Heaven and Earth.

Real Alcazar de Sevilla, May 21st, 1809.

PROCLAMATION OF THE SUPREME
JUNTA OF SPAIN.

Spaniards! The only favour which Saragossa asked of your unfortunate monarch was, that she

might be the first city in the kingdom, to sacrifice herself in his defence. You do not need—Europe does not need to be reminded of this, in order to admire the firmness, patriotism and spirit of this illustrious city. But the flame of liberty must be enkindled in the breast of every Spaniard, by considering the sacrifices she has offered upon the altar of loyalty, and that by her glorious fall, Saragossa has rendered herself immortal.

Two long months were spent in this fatal and bloody siege; almost every edifice was razed to the ground; the provisions were entirely consumed, the military stores were exhausted; more than sixteen thousand men fell victims to an epidemic, which daily swept away hundreds; the garrison was reduced to less than one sixth of its original force; the governor and commander of the city was languishing under the prevailing sickness; O'Neville, the second in command died. St. Marc, in the place of his too superiors, became commander in chief, although he was still suffering under a burning fever. Thus, Spaniards, it became necessary that Saragossa should yield to the rigour of fate, and suffer herself to be occupied by the enemy. Thus have the French taken possession of this glorious city, after battering down its houses and destroying its temples, whilst it was peopled only by diseased and dying men! Here every street, every ruin and every fragment of wall is silently addressing the Frenchmen who view them, saying "Go tell my King, that Saragossa, faithful to her word, has willingly sacrificed herself in remaining loyal to her Sovereign!"

A series of events, as disas-

terous as notorious, had frustrated all attempts that were made to succour the city. The pious inhabitants looked up to Heaven for deliverance from their privations and calamities; but at last, the almost total reduction of their forces would no longer warrant resistance. The tidings of her disastrous fall has caused the world to weep; and all men, in the first moment of her extinction, fancied they saw the flame of Spanish liberty expire and the proud column of her independence moulder in the dust.

But, brave and loyal Spaniards, Saragossa yet lives for your imitation and example! Learn from her this lesson, "Never yield to tyranny, but perish manfully in the defence of liberty." Where is the Spaniard who calls himself such, who would consent to be outdone by these valiant Saragossians, who would not rejoice to suffer the like glorious martyrdom? Every town and village of Arragon is ready to imitate and reconquer their capital. They see in her inhabitants a model to be imitated, vengeance to be taken, and that this is the only road to victory and success. Forty thousand Frenchmen who have perished before the miserable mud-walls of Saragossa, have caused France to lament her fruitless and ephemeral triumph, and have proved to Spain, that three cities of equal firmness, patriotism and perseverance would secure the salvation of the country, and the downfall of her enemies. Courage always begets courage; and when the unfortunate men, who have sacrificed their lives in defence of freedom, shall hear IN HEAVEN, that their fellow citizens, following *them* in the path of glory, have established their

independence, then will they bless a thousand times, their own fate, however rigorous, and contemplate with rapture our present success and triumph.

When Europe shall consider all the circumstances of this melancholy event, shall compare the force of the besieged with that of their enemy, and the defence which Saragossa has made against the tyrant of the universe, with the resistance of the most strongly fortified castle, she will be able to decide to whom the palm of valour and glory justly belongs. The time *will* come, when those calamities with which the genius of ruin and desolation is now scourging the world, shall be mitigated; when the friends of virtue and loyalty shall come to the banks of the Ebro, to view these majestic ruins, and while contemplating them with admiration and envy, they shall exclaim, "here stood that city which in modern times realized or rather excelled all those ancient prodigies of self consecration and constancy which are scarcely to be believed, though recorded in the page of history; here lived that people, who, without a single disciplined regiment, without any other fortification than that of a fragile mud-wall, without any other resources than their own native strength and energy, dared first to provoke the anger of the tyrant, and for two whole months, resisted the impetuosity of his victorious legions. The reduction of this single place cost the French more blood, more tears and more deaths, than the conquest of whole kingdoms. It was not French valour, to which it yielded; but a fatal contagion prostrated the forces of its defenders, and the enemy entered, triumph-

ing over a few miserable, infirm and dying men. They did not conquer *citizens*, they did not conquer *warriors* !”

These considerations have induced the supreme Governing Junta of the Kingdom to issue the following

DECREE :

1. That the city of Saragossa, its inhabitants, have deserved well of their country in an eminent degree.

2. That as soon as the valiant captain general of Arragon (Palafox) shall be restored to liberty, to effect which no means shall be neglected, the Supreme Junta, in the name of their king and the nation, will confer upon him rewards worthy of his invincible integrity and pre-eminent patriotism.

3. That every officer who served in the siege shall be advanced one grade in rank, and that every private shall receive the pay and rank of a serjeant.

4. That all the defenders of Saragossa, its inhabitants and descendants shall enjoy personal nobility.

5. That the widows and orphans of those who perished in its defence shall receive pensions according to their rank and circumstances.

6. That all those who were within the city, during the siege shall be considered as having claim to remuneration.

7. That Saragossa shall not be liable to contributions, or taxes of any kind for the space of ten years, from the re-establishment of peace.

8. That the moment peace is restored, the public edifices shall be re-built with all their magnificence, at the expense of the state.

9. That in this place, a monument shall be erected, with an inscription, celebrating the valour of her sons, and their glorious defence.

10. That in all the capital cities of the kingdom, there shall be one inscription, recounting the circumstances of the siege, and the noble resistance of the city.

11. That a medal in honour of the event be coined, as a testimony of national gratitude.

12. That any city of Spain which shall resist with the same firmness, a siege equally obstinate and stubborn, shall be entitled to the same honours and prerogatives.

13. That in order to excite Spanish poets and orators to exercise their talents on a subject so sublime, they do now offer in the nature of their king and the nation, a reward of a gold medal and a hundred doubloons, to him who shall produce the best poem or prose work, upon the subject of the siege of Saragossa. It must not only recommend to the admiration of the present and future age, the valour, steadfastness and patriotism of Sargossa, but inflame with the warmest spirit and enthusiasm the hearts of Spaniards to love of liberty and detestation of tyranny.

—
Seville.

ROYAL DECREE.

“It is right that the Spanish people should close the present struggle with the certainty of leaving to their posterity an inheritance of prosperity and glory worthy of their mighty exertions, and the blood they have shed. The Supreme Junta has never

lost sight of this object which amid the continual agitation caused by the events of the war, has always been its principal desire. The advantages gained by the enemy for which they are indebted less to their valour than their superiority of number, required exclusively the attention of government; but at the same time, the painful and bitter reflection was made, that the disasters which the nation suffers, have been occasioned solely by those salutary institutions having fallen into oblivion, which in happier times established the prosperity and strength of the state.

“ The usurping ambition of some, the indolent abandonment of others had reduced them to nothing; but the Junta, from the moment of its installation, solemnly incurred the obligation to re-establish them. The time is now arrived to apply the hand to this great work, and to project the reforms which ought to be made in our administration—grounding them on the fundamental laws of the monarchy, which can alone consolidate them—and taking counsel, as has already been announced to the public, of the wise men who think proper to state their opinions.

“ The King our sovereign, Don Ferdinand VII. and in his Royal name the Supreme Governing Junta of the Kingdom, desiring therefore that the Spanish nation may appear to the eyes of the world with the dignity due to their heroic exertions; that the rights and privileges of the citizens may be secure from new attacks; and that the fountains of public felicity, the impediments which hitherto obstructed their course being removed, may run

freely when war shall have ceased, and repair what inveterate despotism and the present devastation have destroyed, has decreed as follows :—

“ I. That the legal and known representation of the Monarchy in its ancient Cortes, shall be re-established, to be convoked the next year, or sooner, if circumstances permit.

“ II. That the Junta immediately occupy itself in ascertaining the mode, number, and class, according to which, under the circumstances of the present times, the meeting of the deputies of this august assembly ought to take place; for which purpose a commission of five members shall be nominated, who, with all the attention and diligence which this great concern, requires, shall examine and prepare all the projects and plans, which after being examined and approved of by the Junta, may be employed for the convocation and formation of the first Cortes.

“ III. That besides this subject, which from its urgency requires the first attention, the Junta extends its investigations to the following objects in order to propose them successively to the nation united in Cortes. The means and resources of maintaining the holy war, in which with so much justice the nation is involved, until the attainment of the glorious end which it has proposed to itself—the means of securing the observance of the fundamental laws of the kingdom—the means of meliorating our legislation, of eradicating abuses which have crept in and of facilitating its improvement—the collection, administration, and distribution of the revenues—the necessary reforms

in the system of public instruction and education—the means of regulating and sustaining a permanent army in time of peace and war, agreeably to the condition and revenue of the state, the means of preserving a marine suited to the same objects—the part which the America's ought to take in the union of the Cortes.

“ IV. In order to collect information necessary for such important discussions, the Junta shall consult the Superior Provincial Juntas, Tribunals, Corporations, Chapters, Bishops and Universities ; and shall listen to wise men and illustrious.

“ That this decree be printed published, and circulated with due formalities that it may arrive at the knowledge of the whole nation.

“ The Marquis of ASTORGA,
President,”

“ The Royal Castle of Seville,
May 22, 1809.

ROYAL ORDER.

“ The King our Sovereign, D. FERDINAND VII. and in his Royal name, the Supreme Central Governing Junta of the kingdom, considering that the great and valuable dominions, which Spain possesses in the Indies, are not properly colonies or factories, like those of other nations, but an essential and integral part of the Spanish kingdom ; and desiring to draw close, and to render indissoluble, the sacred ties which unite all the dominions of Spain, as well as to repay the heroic loyalty and patriotism of which they have given so decisive a proof, at a conjuncture the most critical that any nation has ever witnessed ; his Majesty hereby declares, that the king-

doms, provinces and isles, which form the before said dominions, ought to possess a national Representation near his royal person, and to constitute a part of the Supreme Central Governing Junta of the kingdom, by means of its correspondent deputies. From the time that this Royal Resolution takes effect, the Viceroyalties of New Spain, Peru, the new kingdom of Granada and, Buenos Ayres, together with the Independent Captaincies General of the Isle of Cuba, Porto Rico, Goatemala, Chili, the Provinces of Venezuela and the Philippines, shall each possess the right to nominate an individual as the representative of its respective district. In consequence of this resolution, your Excellency will take care, that in the chief cities of the Viceroyalty under your command, the Provincial Assemblies shall proceed to name three individuals, of known probity, talents, and information, exempt from every thing which can lessen them in public opinion, your Excellency instilling into the minds of the Provincial Assemblies, the scrupulous exactness with which they ought to proceed to the election of the aforesaid individuals ; and that the electors, totally divesting themselves of that spirit of party which is wont to predominate in such cases, shall attend only to strict merit and those essential qualities which constitute a good citizen and a zealous patriot.

“ The election of the three individuals being completed, the Assembly shall proceed, with the usual solemnity, to cast lots for one of the three ; and the first individual whose name shall be drawn, shall be considered as the elected representative.—The As-

sembly shall immediately communicate to your Excellency, a certified notice of the person on whom the lot has fallen, his name, title, country, age, employment or profession; together with such other circumstances, political and moral as may relate to him.

"As soon as your Excellency shall have received the certificate of the person elected in the capital, and elsewhere in your Vice-royalty, you shall proceed in conjunction with the Royal Council; and after due examination of the aforesaid certificates, shall elect three individuals out of the whole, in whom the most commendable qualities unite, either from your own personal knowledge or opinion, or from public report; and in case of difference, the majority shall decide.

"These three shall be again subjected to lot in the Royal Council, your Excellency presiding; and the first who shall be drawn shall be held as the duly elected Deputy of that Kingdom, and Representative in the Supreme Central Governing Junta of the Monarchy, with express residence at this capital.

"The Provincial Councils shall immediately after this proceed in your and the other capitals, to give their respective powers or instructions, expressing in them the chief objects of national interest which it is desirable to promote.

"The Representative shall then take his departure for this capital; and of the necessary expenses of his voyage, and of his subsistence and proper appearance after his arrival, your Excellency shall, with the Junta of the Royal Revenue, take charge, assigning to each the proper quo-

ta which they ought to pay, it being well understood that his equipment though respectable, should nevertheless be economical; and that his salary should not exceed six thousand dollars per annum.

"To the above communication made in the name of his Majesty, your Excellency will be pleased to pay the most punctual observance, taking the most special care that there be no delay in the execution of it.

"God preserve &c.

"Given at the Royal Palace of Alcazar, &c. &c. &c."

—
Milan, April 14, 1809.

The Senate were assembled yesterday, when a Messenger of State delivered the following Message from his Imperial Highness the Viceroy, viz:—

"Senators!

"I have been anxious to announce to you, that Austria has declared war.—Whilst we were reposing on the faith of treaties, and whilst our confidence was authorised by the recollection of the generosity of our sovereign to Austria, the perfidy of that power was for a long time preparing for a new war. Some of her troops had shewn themselves upon the Italian territory; but we were tranquil, because we could not suspect the possibility of so much perjury. But the French and Italian armies are assembling on the Tagliamento: they will again obtain such victories as those of which our fields have so often before been the scenes; they are impatient to en-

gage in arms with those who have without cause taken them up, and to establish in the midst of them a theatre for new triumphs.

"Called, by my august father, to the command of our brave troops, I will do every thing to merit their confidence. I shall be the more tranquil myself when I remember the excellent spirit that animates the people of this kingdom, and since I have a well founded hope that you will maintain that spirit by your example, and that, with a firm and tranquil attitude, under the present circumstance, you will shew yourselves worthy of being placed in the first rank of the authorities of the kingdom of Italy. Having no other object in this letter, I pray God to keep you in his protection.

"Given at the general head quarters, Campo Formio, April 11, 1809.

"EUGENE NAPOLEON."

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PROCLAMATION DISPERSED BY
THE ARCHDUKE JOHN, ON HIS
ENTRANCE INTO ITALY.

"*Italians!*—Give ear to the voice of truth and reason. These tell you, that you are the slaves of France; that you for her waste your gold and your blood.—— The kingdom of Italy is a mere dream, a vain name. The conscription, the burthens, the oppressions of every kind, the nothingness of your political existence; these alone are realities.

"Reason also tells you, that in such a state of degradation, you can neither be esteemed, remain at peace, nor be Italians. Do you

wish to be once more Italians! Unite, then, your hearts, and your power to the generous arms of the Emperor Francis. At this moment he causes a powerful body to descend into Italy. He sends them, not to gratify an idle thirst of conquest, but to defend himself, and secure the independence of all the nations of Europe, which are threatened by a succession of attacks that allow no doubt of the inevitable slavery prepared for them.

"If God protect the virtuous exertions of the Emperor Francis, and his mighty allies, Italy shall be again happy, and once more respected in Europe. The head of the Church will possess again his freedom and his dominions; and a Constitution, founded on nature and true policy, shall bless the Italian soil, and render it impenetrable to any foreign power.

"It is Francis who promises you so happy and glorious an existence. Europe knows it: the word of the Prince is sacred—is as immutable as pure. Awake, then, Italians. Rouse yourselves. Of whatever party you have been, or now are, fear nothing, for you are Italians. We come not to investigate—to punish; we come to aid—to deliver you. Will you remain in the state of confusion in which you are sunken? Will you behave otherwise than the Spaniards that people of heroes, whose words and actions are in harmony.

"Do you love less than they your holy religion, your honor, and the name of your nation? Do you abhor less than they, base servitude, because you were seduced into its snares, by fraudulent speeches; though the treat-

ment you have experienced has been most opposite to those speeches—Italians! truth and reason say to you, that so favorable an occasion never offered itself of throwing off the yoke cast upon Italy.—They tell you, that if you do not listen to them, you incur the danger arising from a victorious army, which subdues without consideration, a people without a name and without rights; that, on the contrary, if you cling to your deliverers, and conquer with them, Italy will re-assume its station among the greatest nations of the earth, and may become again what it once was, the first.

“Italians!—a better fate is in your hands: in hands which brought the torch of illumination into every quarter of the globe, and restored to Europe, when sunk in barbarity, the sciences, arts, and morals.

“Ye Milanese, Tuscans, Venetians, Piedmontese, be mindful of the period of your ancient being. The days of peace and prosperity may return to you faster than ever, if your conduct render you worthy the blessed change.

“Italians! have but the will, and you will be Italians again, as glorious as your ancestors, as happy and contented as you ever were in the fairest epoch of your history.

JOHN, ARCHDUKE OF AUSTRIA.

—
RUSSIAN UKASE TO THE SENATE.

It is known to the whole world, with what firmness the trade of neutrals has been protected by Russia, when the powers of Eu-

rope were at war; it is known with that valor she has guarded the interest of trading nations, in the time of peace against the events of war. Following up this invariable principle, also, during the present rupture with Britain, we entertained the fullest hopes that the trade with friendly powers would not be carried on by forbidden means; but as experience, during last season, has proved to us, that the enemy has found it practicable, by means of neutral vessels, to supply himself with such produce as he stood in need of, and to gain strength by exchanging his own produce, we have been compelled to order two vessels seized. For these reasons, and to prevent various subterfuges and artifices, we have deemed it necessary to establish some rules; and hereby order—

I. That all masters of neutral vessels, arriving at our ports, are to prove the property being neutral, by the following documents of the ship, viz. a pass, ship's register, muster-roll, log-book, docket, manifest of the cargo, the charter party, bills of lading, certificates of origin, whether the cargo, or part of the same belongs to the captain, and by the invoices of such vessels as come from America or the Indies, or are bound there. In case, however, the master is not provided with any one of the documents, the ship is to be sent out of our ports, and not to be permitted to discharge.

II. In case of neutral ships being partly loaded with merchandise, which can be proved to be of the manufacture or produce of the enemy, the same to be stopped, the goods to be seized, and sold by public auction, for the

benefit of government; but if more than half of the cargo consists of such goods, then, not only the cargo, but also the ship is to be seized.

III. A pass granted, the ship by a neutral, friendly, or allied, power, is not to be considered legal, as soon as it appears that the master has acted contrary to the same: or if the ship is named in the pass differently to what she is in the rest of her documents unless the alteration made is proved by documents attested by legal authority, at the place from which the vessel departed, and produced before the magistracy of said place: in this instance the master is not to be considered guilty.

IV. A pass is not to be considered valid, if it should appear that the vessel to which it is granted was not, at the very time it is dated, at one of the ports of the power by which it has been given.

V. If the supercargo or master, or more than one third of the crew, of a neutral vessel, should be subjects of powers at war with us; or if such a vessel is not provided with a muster roll of the crew, duly attested by the magistracy of such neutral ports from which the same departed, then both ship and cargo are to be seized, but the crew to be set at liberty.

VI. If it should appear that the pass produced by the master has been counterfeited or altered, ship and cargo are to be seized for the benefit of government, and the master to be brought to trial, and to be dealt with as is prescribed by the laws of those who make false documents; the crew to be set at liberty.

VII. If it should appear that a

vessel is provided with double documents, with different destinations, such a vessel and her cargo to be seized for the benefit of government. In case the master wishes to justify himself, by having lost his documents, and cannot produce any proofs, his vessel to be detained, granting him time for procuring the same, proportionate to the distance, if he wishes it: else, if the master cannot wait so long, ship and cargo are immediately to be sent off: but if, at the expiration of the period fixed, the master does not produce the needful proofs, ship and cargo are to be seized for the benefit of government.

VIII. No ship built by the enemy is to be considered neutral, unless, amongst other documents, a duly attested document is found, proving the sale or transfer to have taken place, before the declaration of war; else ship and cargo to be seized for the benefit of government.

IX. If the owner or commander of a neutral vessel happen to be a native of a nation at war with us, and is provided with passes of a neutral power, in such a case the pass is not to serve as a clearance, as long as he cannot prove having become a subject and resident of such a power, previous to the declaration of war; else he is to be sent off, with his ship, not allowing him to take in return a cargo.

St. Petersburg, May 7, 1809.

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PROCLAMATION ON THE ENTRY
OF THE RUSSIAN ARMY INTO
GALLICIA:—

The war which has broken out

between France and Austria could not be looked upon by Russia with an indifferent eye.

Every care and effort have been employed on our part to stifle the fire before it had entirely burst out into a flame. It was made known, in the first instance, to the court of Austria, that by virtue of the most solemn treaties and engagements which subsisted between the two Emperors of Russia and of the French, Russia would act conjointly with France.

Austria wished not to regard the representations, which ought to have had great weight with her; but she disguised, under the pretext of a necessary defence, her warlike preparations, until the time when by aggressive proceedings she discovered the proud designs of her ambition, and lighted the torch of war.

Russia, in consequence, could not dispense with taking in that war a part which was founded on solemn treaties. On the first intelligence reaching her, she broke asunder those ties which had united her to Austria, and ordered her army to approach the frontiers of Galicia.

On entering this country to act against Austria, and to repel by force those troops she has brought into the field, the commander in chief of the army has the positive orders of his majesty the emperor to declare to the peaceable inhabitants of Galicia, and to assure them in the most solemn manner, that Russia entertains no enmity against any of them; and that the army in its movements, in whatever part it may be, will respect the personal security of all, assure property, and leave undisturbed the peace

of the interior and the general tranquillity.

Head-quarters, 19th May, 1809.

—
"Petersburg, June 14, 1809.

"It is universally known how firmly Russia has endeavored for ages to protect the trade of neutrals during the war carried on by European powers; it is notorious, with what courage that empire has sheltered the interests of trading nations from the fury of the war. True to these unalterable principles, we entertained a hope that during the present rupture with England, the trade with allied nations would also offer no motive to them of a different direction. But the experience of last year has convinced us that the enemy has found means to misuse neutral bottoms for the benefit of his trade, and we feel accordingly obliged to adopt the following measures, in order to prevent it in future.

"I. Every captain who enters any of our ports, is bound to prove his ship or vessel to be neutral property by the passport, the bill of sale, and the log-book, and the cargo to be so by the charter-party, the bill of lading, his own declaration, and a certificate of the origin of the goods, in cases where the whole or part of the cargo belongs to the captain or agent, and the ship has set sail from America or the West Indies, or is bound for those ports. Should any of those documents be wanting, the captain shall immediately leave the port, and not be permitted to discharge his cargo.

"II Ships in port, laden with

goods which can be proved to be production of an enemy's country, shall be detained, the goods declared confiscated, and sold publicly in behalf of the crown. If the goods amount to more than one half of the cargo, not only the lading but the ship shall be declared confiscated.

"III. A passport given by a neutral, friendly, or allied power, will not be sufficient for the justification of the captain, if any circumstances appear which do not agree with the passport, or if the name of the ship mentioned in the passport does not agree with that found in the other papers of the ship, unless it clearly appears that the papers have been duly signed by persons having the proper authority, in which case the difference in the name shall not make against the captain.

"IV. The passport given to the captain shall not be acknowledged legal, if the ship supplied with it shall not have been, at the time specified, in the port in the name of which the passport is given.

"V. When any ship, supercargo, captain, and more than one third of the crew, shall be subjects of an hostile power, or when on board any ship there shall be no muster roll, signed by the officers of the neutral place from which the ship sailed, the ship and cargo shall be declared confiscated to the use of the crown, but the crews shall be set at liberty.

"VI. If the passport produced by the captain shall be false, or forged, the ship and cargo shall be declared confiscated to the use of the crown, and the captain delivered over to justice to be pro-

ceeded against as a forger. The crew shall be set at liberty.

"VII. When in any ship double documents of different import are found, the ship and cargo shall be confiscated to the use of the crown. If the captain shall endeavour to defend himself, but bring no sufficient proofs, the ship shall be detained, and time, if requested, be granted to the captain to procure them from the place of his departure. If at the expiration of the time granted, he produces no proofs, the ship and cargo shall be confiscated.

"VIII. Every ship not built by a friendly power, shall not be considered as neutral, unless it can be legally proved by its papers that it was bought or transferred before the declaration of war; if this does not appear, ship and cargo shall be confiscated to the use of the crown.

"IX. If the master or captain of a ship shall be a native of a hostile nation, and have passports from a neutral or friendly power, these shall not avail him, unless they prove that he became the subject of, and resided within a neutral power before the declaration of war. On the failure of this proof, the ship and cargo shall be confiscated to the use of the crown."

ROMAN REVOLUTION.

Rome, June 10.

At ten o'clock this morning, the decree of his majesty the emperor and king, uniting the Papal states to the French empire, was published in all the prin-

cipal places in this city, and announced by the discharge of cannon from fort St. Angelo. This happy change was produced with the utmost tranquillity, and the people of Rome have exhibited at once great joy and a lively sense of an event, which puts an end to all the uncertainty of their political existence. The following is the decree, it is dated from the imperial camp at Vienna, May 17, 1809 :—

“ NAPOLEON, emperor of the French, &c. considering that, when Charlemagne, emperor of the French, and our august predecessor, gave divers countries to the bishops of Rome, he gave them in title as fiefs, to secure the repose of his subjects, but without by that act separating them from his empire :

“ Considering, that, since that age, the union of the spiritual and temporal power, having been as it is to this day, the source of incessant discord ; that the sacred pontiffs have but too often profited by the aid of one to sustain the pretensions of the other, and, by that means, that spiritual affairs, which in their nature are immutable, have been confounded with temporal concerns, which vary according to the circumstances and policy of the times :

“ Considering, in fine, that all, which we have proposed, to reconcile the safety of our armies, the tranquillity and welfare of our people, the glory and integrity of our empire, with the temporal pretensions of the sacred pontiffs, has been proposed in vain :

“ We have decreed, and do decree, as follows :—

“ Art. I. The papal states are re-united to the French empire.

“ II. The city of Rome, the

cradle of Christianity, and so celebrated by the recollections which it recalls and the monuments which it preserves, is declared an imperial and free city. Its government and administration shall be regulated by a special decree.

“ III. The monuments of Roman grandeur shall be preserved at the expense of our treasury.

“ IV. The public debt is declared a debt of the empire.

“ V. The revenues of the holy father, to the amount of two millions of francs, shall be continued to him, and without any charge or reduction therefrom.

“ VI. The property and palace of his holiness shall not be subject to any impost, civil jurisdiction, or inquisition, and shall enjoy besides special privileges.

“ VII. An extraordinary consultum shall, on the 1st of June next, take possession, in our name, of the papal states, and take such measures as that the constitutional government may be in vigor on the 1st January, 1810.

“ NAPOLEON.”

By another decree, of the same date, 17th May, the extraordinary consultum formed according to this decree, was nominated, and consists of the following members :—M. M. general of division Miollis, governor general, president ; Salicetti, minister of the king of Naples ; Degerando, Janinet, Del Pozzo, masters of requests ; Debalbe, auditor of the council of state, secretary. This consultum is charged to take possession of the papal territory, in the name of the emperor, and to make such preparations that it may pass insensibly from the old to the new order of things. It

will correspond with the minister of finances of the French empire.

Being established and formed, the extraordinary consulum has addressed the following proclamation to the city and to the Roman states:—

“ *Romans*: the will of the greatest of heroes unites you to the greatest of empires.—It is but just, that the first people on earth should share the advantage of their laws and the honor of their name with a nation which in former times preceded them on the road to glory, when your ancestors gave law to the nations of the earth, the union of their conquests with the Roman name, was the common respect of their wisdom and their generosity.

“ The decree that unites you originated solely in the desire to promote your prosperity. The moment chosen to accomplish it, explains the motive with which it was conceived. You are become a part of the French empire, when all the sacrifices, necessary for its establishment have been made: you are called to a triumph, without having partaken of the dangers.

“ Look through the records of your history; for a long time past they exhibit nothing but a recital of your misfortunes.

“ Your natural weakness rendered you an easy prey to every warrior, who could pass the Alps. United to France, her strength becomes yours; and all the evils, consequent to your weakness, cease.

“ Unfortunate as a nation, you have not been less so as citizens. The misery and insalubrity which prevail in your cities and in your fields, have for a long time shewn to Europe and to yourselves, that

your sovereigns, occupied with concerns repugnant to each other, found it impossible to assure you that to which you are entitled, and which you are now about to enjoy.

“ Romans, not conquered but united, not enslaved but elevated into citizens, not only our strength becomes yours, but our laws insure your internal repose, as they secure our own.

“ And whilst, by this union, you acquire all the benefits you were in want of, you lose none of those which you may have already possessed. Rome will continue to be the seat of the visible head of the church, and the Vatican richly endowed, and secure against all foreign influence, and above the vain allurements of terrestrial interests, will present to the universe the most pure religion, and surrounded with greater splendor. Other cares will preserve the monuments, the patrimony of your ancient glory; and the arts, children of genius, encouraged by a great man, enriched by all the examples and models of taste and genius, will no longer be constrained to seek elsewhere for the incentive or the reward of their divine conceptions.

“ Such, Romans, is the prospect that opens before you, and of which the extraordinary consulum is called to lay the foundation.—To guarantee your public debt; to invigorate your agriculture and your arts; to ameliorate and improve in all respects, your actual destiny; in short, to anticipate and prevent those tears, which are too often the attendants of a reform of abuses. Such are the orders, such are the intentions of our august sovereign.

"Romans, in seconding our efforts, you will more speedily obtain, and we shall the more easily render you the services we are charged and anxious to confer.

SALICETTI: JANET:

MIOLLIS, governor general, president.

For the consultum, C. BALBE.

Rome, June 10, 1809.

REMONSTRANCE OF PIUS POPE
VII.

The disastrous designs of the foes of the Apostolical See are at length completed.

After suffering the violent and iniquitous spoliation of the fairest and most considerable portion of our dominions, we now behold ourselves deprived entirely, under unworthy pretexts and with the most grievous injustice, of all our temporal sovereignty, with which our spiritual independence is closely connected. This consolation accompanies us, under the pressure of this severe persecution, that it has not been incurred for any wrong done to the emperor, or to France, which has been always the object of our tender fatherly solicitude; nor on account of any worldly political artifice; but because we would not betray our duties or our conscience.

No one who professes the Catholic religion, and much less he, who presides over, and is principally bound to announce it, can displease God for the sake of pleasing men.

Bound moreover to God and to the church to transmit our rights whole and entire, we protest against this new spoliation, and declare it null and void.

We reject with the most determined resolution the assignment of any allowance intended for us or the members of our College (of Cardinals) by the emperor of the French.

We should be overwhelmed with disgrace in the Sight of the Church, if we submitted to receive our subsistence from the hands of the Usurper of her patrimony.

We resign ourselves entirely to divine Providence, and to the devotion of the Faithful servants of God, and shall be satisfied piously to conclude the bitter career of our painful life.

We adore with profound humiliation the inscrutable designs of God. We invoke his mercy over all our good subjects, who will be always *our joy and our crown*; and after having discharged, in these most distressing circumstances, our duty, we exhort them to preserve, in all integrity, their religion and faith, and with sighs and tears between *the porch and the altar*, to unite themselves with us in supplication to the supreme father of lights, that he would graciously be pleased to work a change in the wicked designs of our Persecutors. Given at our Quirinal Apostolical palace, this 10th June, 1809.

PIUS POPE VII.

CONCLUSION OF THE SENTENCE
OF EXCOMMUNICATION.

Pius Pope VII. by authority of the Almighty God, and of the Saints Peter and Paul, we declare you Napoleon Bonaparte and all your accomplices (co-operators) in the act, which you are now executing, to have incurred the cen-

sure of ex-communication, under which by our apostolical letters, contemporaneously published and affixed at the usual places in this city, we declare all those to have fallen, who since the forcible invasion of this city on the 2d of Feb. 1808, have committed the violences, against which not only our successive secretaries of State by our orders; but we ourselves have protested in two consistorial allocutions (discourses) of the 16th of March, and 11th of July, 1808: and the same penalty attaches to all mandataries, supporters, advisers, and all others who have executed themselves, or procured the execution of the above mentioned usurpations and violences. Given at Rome at the church of S. Maria Major, June 10, 1809.

PIUS POPE VII.

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THE ALLOCUTION OF HIS HOLINESS PIUS VII. TO THE EMPEROR BONAPARTE.

Since the time, when by the decree of Providence, notwithstanding our unworthiness, we were invested with the sovereign pontificate, you have been a witness of our wish for the peace of the Catholic Church. You have been a witness of our wishes for the spiritual peace of the French people and of our paternal condescension—You have been a witness of the benefits, which we have conferred on the Gallacian church, yourself and your subjects—You have been a witness that under all the circumstances, we have lent ourselves, as far as lay in our power, to all the concessions and concordat's with the

French Empire and Kingdom of Italy. In fine, you have been a witness of the immense sacrifices which we have made to the detriment of our people, for the benefit and the repose of the French and Italian nations; and which are such, that our subjects already in misery are unable to procure the means of subsistence—You however, in return for so many favors, have not ceased to fill our heart with bitterness, to reduce us to the greatest extremities under false pretences and to harass our conscience. In return for the ecclesiastical concordat, you have not ceased to seek to destroy it by separate laws, called organic. You have made to us propositions, calculated to that effect, and irreconcilable with the morality of the gospel and with the unalterable maxims of the universal Catholic church. In return for these benefits the states of the Holy See have had to support the enormous burden of your troops, in such a way, that since the year 1801 up to the present time, they have wasted five millions of Roman crowns, without keeping the solemn promise of reimbursement by the kingdom of Italy. In return for these sacrifices you have despoiled us of the Duchies of Benevento and of Ponte Corvo, under promises of indemnifying the Holy See, in the most generous manner. In return for our condescension, you have demanded our sanction to articles contrary to the law of nations, to the unity and the canons of the church, to the good of the Catholics of other kingdoms, and destruction of our independence and of the liberty of the church. To accomplish these designs, you have invaded,

as an enemy, not our states only but the estates given to the Apostolic See by the piety and generosity of sovereigns for the most part French, states consecrated to the independence and to the liberty of the successors of St. Peter, and confirmed to the common father of all the faithful, by all the Catholic princes, during eleven centuries of possession, in order that the common father might enjoy in the midst of his children, complete liberty and independence. In short you have invaded, as an enemy, the capital itself: you have caused the military to revolt; you have occupied with an armed force the post office and the printing houses; you have torn from our bosom our counsellors, who aided us in conducting the affairs of the Catholic Church, and the ministers of justice; you have even kept us prisoners in our apostolic residence, while our people were trod upon by your soldiers. We even appeal to yourself, to pronounce your own conduct marked by a contempt of all the rights of nations, of your sacred duties and your people. We appeal even to you as a man whom we have consecrated, and who had sworn to repair the losses and to maintain the rights of the Church. Take care, however, lest if you do not stop short, we should exercise, though in all humanity of heart, that authority which Almighty God has placed in our hands; take care lest you add new motives to make known to the world the justice of our cause; for then, all the misfortunes which shall fall on our conduct must be passed to your personal responsibility.

Stockholm, May 17.

ABDICATION OF THE KING OF SWEDEN.

The members having produced their credentials from their constituents, and the diet being duly constituted, the states proceeded in a body, on the 6th inst. to pay their respects to his royal highness the regent, and to express their most grateful acknowledgments for the zeal, activity, and patriotism, he has evinced, in relinquishing the comforts and tranquillity of a private station, and convoking the grand constitutional assembly of the nation, as the only means of saving the country from impending destruction.

On Tuesday the 9th, his royal highness the regent, opened the diet with a speech addressed to the states, in which the lord chancellor (Lagerbjeike) of the court, baron, read in an audible voice, a detailed account of the events and circumstances which had rendered the convocation of the states indispensibly necessary for the salvation of the country. The marshal of the diet, and the respective speakers of the clergy, burghers, and peasants, addressed his royal highness in appropriate speeches.

On Wednesday the 10th, all the members of the states, met at an early hour in one assembly, which will ever be remarkable in the annals of Sweden. His royal highness, having ordered the lord chancellor to read aloud the act of abdication, voluntarily made by the king on the 20th day of March, baron Mannenheim rose and addressed the assembly.—

The baron, in a speech of considerable length, drew a picture of the situation to which Sweden was reduced by the king's passion for war, renounced allegiance and obedience to the person and authority of Gustavus IV. and declared him and his issue, now and forever, deprived of the crown and government of Sweden. The baron then asked whether this act this solemn resolution of his, in which his heart and tongue concurred, met with the approbation of the members composing that august assembly? Long and reiterated exclamations of *Yes! Yes!—All! All!* resounded from all parts, and baron Mannenheim's declaration was adopted by the constitutional representatives of the Swedish nation, without a single dissentient voice.

His royal highness was then conducted to the chair, from which he addressed the assembly. He proceeded to remark upon the state of the nation, noticed the abuses which had crept into every department of state, and lamented, the inadequacy of the laws to restrain or suppress those abuses. It therefore became, in his opinion, indispensibly necessary to new model the constitution, and enact such laws as should secure the country from a recurrence of the evils which had brought it to the brink of ruin. The execution of this object, so important to the vital interests of Sweden, he confided to the united wisdom and counsels of the states, and hoped they would discharge their duty with credit to themselves and advantage to their country.

In the mean time he would take upon himself, and execute to the

best of his ability, the management of public affairs in the capacity of regent, and wished that nothing should be resolved upon respecting himself until the new constitution should be drawn up and presented for adoption.

To-morrow a committee for drawing up the new constitution will be chosen, and when they shall have terminated their labours, it is supposed that the states will declare themselves in favor of his royal highness.

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Stockholm, June 9, 1809.

On the 5th the Duke of Sudermania was chosen king and issued the following proclamation.

"We Charles XIII, by the Grace of God, King of Sweden, &c. to all our faithful subjects, &c. &c. greeting.

"When, under Divine Providence, we assumed some time ago the provisional Government of our beloved native country, committed to us by the States of the Realm, we immediately called the attention of the Diet, to the indispensable and important task of framing a new Constitution, calculated to promote the prosperity, tranquillity, and welfare of the Country, by an irrevocable union between the mutual rights and duties of the King and the people of Sweden. The States having acquainted us, that they have not only performed the important task committed to them by us, and the confidence of their fellow-subjects, but also that they have chosen us King of Sweden and of the Goths and Vandals, requesting our approbation of that

choice; the cordial and loyal manner in which that election was made, did not allow us to decline its acceptance.—Relying on the Omnipotent, who explores the inmost recesses of the human heart, and knows the sincerity and purity of our sentiments, moved by the most fervent love and zeal for our native land, which can only cease with our existence, and trusting that we shall be most powerfully supported by the loyal attachment of the noble Swedish nation; we have therefore accepted the Crown and Sceptre of Sweden. It is far more gratifying to our feelings to have been called upon by the free and uncontrolled voice of the people to become their King, their protector, and defender, than if we had ascended the ancient Swedish throne merely by right of hereditary succession.—We shall govern the kingdom and people of Sweden as an indulgent parent does his children, with implicit confidence in the honest, with forbearance towards those who err undeliberately, with uprightness towards all; and when the day arrives, the near approach of which is announced by our advanced age, which shall put an end to our worldly cares, we will hail our last moments with the pious resignation of the just, and close it by blessing you.

“ CHARLES.

“ GUST. SINJDSJELRE,

“ Aulic Chancellor.

“ Council Hall, Stockholm Castle, June 6, 1809.

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PROCLAMATION

Issued by their Excellencies Hugh Lyle Carmichael, major-general commander in chief of his Bri-

tannic Majesty's forces, and don Juan Sanchez, Ramirez, commander in chief of his Catholic Majesty's troops in that island.

TO THE INHABITANTS OF THE CITY AND SPANISH PART OF THE ISLAND OF SANTO DOMINGO.

We are now in possession of the City of Santo Domingo, Divine Providence has crowned with success the combined armies of his Britannic Majesty, George III. and his Catholic Majesty our beloved Ferdinand VII.; this glorious triumph alone remained to the entire conquest of the ancient Spanish part of this Island, which in the treaty of Basle made in August 1795, was ceded to the French for certain considerations which gave rise thereto as well as to other similar sacrifices on the part of that nation. In consequence of which success; we the undersigned commanders of the English and Spanish armies now in possession of the said city, and above mentioned territories considering it our duty to perfect the work which we have done, by the fundamental establishment of those regulations that tend to public order and safety, do ordain as follows :—

1st. For the purpose of restoring and preserving tranquillity in these dominions, too long distracted by intestine and sanguinary conflicts and to re-establish peace and tranquillity amongst all classes of the inhabitants by exhorting them to unite under such principles and in conformity to the laws which are to govern them, it is mutually decreed that the existing code of Spanish jurisprudence shall

from the date of this proclamation have its full force and authority and the representative of his Catholic Majesty Don Juan Sanchez Ramirez shall alone nominate the judicial and majesterial officers he may think proper to carry into effect the civil jurisdiction.

2d. That the English and Spanish troops shall henceforward be governed by their respective rights and military laws under their own commanders, and for the purpose of establishing with solidity this ground work on which stand the order and administration of justice, it is made known that any persons who may contrary to these premises disturb the peace and harmony that is to reign amongst all classes, shall be without remission chastised with all the rigour of the law.

Head quarters, government house
Santo Domingo, 27th July,
1809.

HU. LYLE CARMICHAEL,
Major general commanding his
Britannic Majesty's forces in
Santo Domingo.

JUAN SANCHEZ RAMIREZ.

PROCLAMATION.

Buenos Ayres, Aug. 3, 1809.

The wise government of the supreme central junta already appears to dawn in this vast and powerful empire—a country which has hitherto been corrupted by intrigues, and by the evil designs of those who have been invested with authority among us. No department has felt more the miserable effects of these political vices than the commercial. All the best principles of the mer-

cantile interest have been abandoned, and the disorders which must necessarily attend such a state of things have been occasioned.

In this deplorable condition were affairs in these rich provinces until 30th June last, when at the most seasonable period, to restore us to our meridian splendour, arrived D. Baltasar Hidalgo de Cisneros, viceroy of these provinces in the frigate Proserpine. —This worthy and honorable chief, who has conferred so much benefit on the nation during his government of Carthagena, has come among us to be the depository of the confidence of the supreme central junta, to convert irregularity into method, and essentially and principally to direct his views, and to employ his power for the protection and augmentation of our commerce. In the few days he has resided here, he has attended to this primary object of his mission, by giving directions that all foreign ships, whether belonging to England or elsewhere should withdraw from our ports; and he has begun to put in activity the laws by which the Indies have been hitherto governed. By such means the merchants will be restored to their privileges, and will be enabled to pursue with advantage their occupations, under those early maxims of policy by which the prosperity of these countries has been secured.

PROCLAMATION

Of D. Baltasar Hidalgo de Cisneros Y La Torre, Knight of the Spanish order of Charles III. Viceroy of the provinces of Rio

de la Plata, and its dependencies, &c. to the loyal Inhabitants of Buenos Ayres.

Faithful and generous Neighbours, and inhabitants of Buenos Ayres,

The abundant and sincere expressions of joy that you have manifested from the moment of my arrival in the august capital of the Viceroyalty, afforded me the most decisive proof of your invincible loyalty, and of the sentiments of honor by which you are animated.

In these I discovered the homage which you offer to the Sovereign Majesty which I represent, and the liveliest feelings of your tender regard for our monarch. It shews me that if you possess this reverence for me, who am only his shadow, it is on account of your profound respect for the substance from which that shadow is projected, which veneration has always been in perfect consistency with your character and conduct.

Finally, it gives me an authentic proof of the noble enthusiasm that reigns in your bosoms, of your firm adherence to the great cause in which the parent state is engaged, and of all the social virtues which adorn you in your respective stations—such is the source, and such are the effects of these extraordinary demonstrations of joy, which have exceeded all my expectations.

I would be deficient in my duty, if under these circumstances, I did not acknowledge the grateful sensibility, and warm satisfaction which these affecting indications of your disposition have produced in myself. Nothing can

ever efface from my memory the delight I experienced on the night of the 30th June. What a magnificent spectacle to every man capable of appreciating the sentiments of the heart to see a numerous people, composing all classes of society, impelled only by their fidelity, hastening to tender their voluntary services in terms the most affecting, and accompanied by every mark of loyalty in the presence of the representative of their beloved Sovereign.

The tyrant who oppresses us can never enjoy such a scene of delight, with all his pomp and circumstance of splendor, his public entries and his triumphs—because, by force and violence he can extort but cool and feeble applause, while yours is the natural result of the impassioned attachment and ardent loyalty which you bestow on the memory of your august prince.

Do not doubt it, this act of yours, simple as it appears under all its character of energy has nothing to do with ostentation and vanity, but as being the ingenuous manifestation of your loyal sentiments, it is the impenetrable wall to be opposed to the enemy. In vain will he endeavour to seduce you by his artifices or to debilitate your strength by spreading the seeds of discord, among you.—The impotency of his authority and the inefficiency of his malicious expedients, will shew to the world that Buenos Ayres is not the country where perfidy can hold her residence.

I assure you with all the frankness which belongs to my character, that I have the most perfect confidence in your loyalty, and that I am firmly persuaded that I have nothing to apprehend

from those vile agents which the enemy of our liberty distributes every where, for the malignant purpose of imposing upon the unsuspecting integrity of mankind. If his audacity should attempt to violate your happy soil with his offensive vermin, you will yourselves be vigilant to discover and destroy it.

To this gratifying reflection, which you so justly deserve, I may add another equally desirable. I am not less persuaded that the unity and concord of your sentiments will be the stable support of my government, that your subordination to legitimate authority will give new vigour and new energy to the expedients of security circumstances require—and that all ranks among this generous people, animated with the same spirit, and full of the same enthusiasm, will swear with me to defend to the last moment of their existence, the sacred rights of our beloved monarch, Ferdinand VII. Live then tranquil and happy, and rely always upon my most sincere and cordial endeavours, by all the means in my power, to augment your felicity.

BALTASAR HIDALGO DE
CISNEROS.

Buenos Ayres 2d. Aug. 1809.

FRENCH OFFICIAL NARRATIVE
OF THE CAMPAIGN IN ANDALU-
SIA (SPAIN,) IN 1808.

The army of observation, which occupied Valladolid, Zamora, and other towns on the right of the river Druro, received orders to direct its march towards Madrid.

The first division, commanded by the gen. Barbou, and the division of cavalry commanded by the gen. Frezis, were put in motion the 14th of March, and arrived on the 21st at Guadarama, one day's March from Madrid. The second division under the orders of general Vedel, marched to Segovia—and the third division, commanded by general Laval, continued to occupy Valladolid.

The corps of the marshal Moncey, (duke of Cornegliano) with which was his imperial highness the grand duke of Berg (Murat) had quitted Burgos, and directed its route at the same time for Madrid, by Aranda and Buetrago—the troops experiencing no difficulty on their march, the prince made his entry into the capital on the 22d.

The revolution of Aranjuez having broken out, this event changed in an instant the situation of the French army in Spain, their presence caused the greatest inquietude to the numerous partisans of the prince of Asturias (called Ferdinand VII.)—the agitation of the people was visible, every where anxious for the result of the events at Bayonne.

The 1st division arrived at the Escorial on the 29th, and the cavalry also approached Madrid, in order to be at hand to suppress any popular commotion. These troops afterwards moved to Aranjuez, where they arrived the 11th of April. The 2d division established its head-quarters at the Escorial, and the 3d division at Segovia—their good appearance and discipline was remarked on different occasions; the effect of the attention and zeal which the

generals and superior officers had exerted to form this new corps upon their entry into Spain.

The silent agitation which reigned at Madrid, and which had been prepared to produce the events of the 2d of May, existed equally in other cities. It had broken out the 23d April at Toledo; the peasants of the country were excited and joined the citizens, disorder was then in the extreme, so much so that the officers who were there, escaped with difficulty from the fury of the populace.

The gen. in chief hastened to prevent the effect of these seditious meetings, and entered Toledo with the troops from Aranjuez, which was replaced by the second division, and it by the third, which was at the Escorial.

This movement into Toledo, calmed the troubles in the city, and quieted the province, tranquillised their spirits, and informed their minds—and the tranquillity re-established was maintained by the good intelligence which the magistrates endeavoured to maintain between the French and the Spaniards.

If at this period, the French troops had been placed in the principal towns, the submission of the provinces would have been assured. But this precious opportunity was lost, and a vast insurrection was rapidly organised.

All the people in Spain are armed, it is an ancient usage, to which they are strongly attached; every individual has a musket, in which he is exercised in the use of from his infancy, and every one knows that every Spaniard constantly bears about him a poign-

ard; the habits and cool ferocity of the African are common to the Spaniard; and the ancient national antipathy, revived by the events at Bayonne, produced a general explosion against the French towards the end of the month of May.

After passing a month at Toledo, the divisions Barbou and Freziz moved forward for Cadiz; they traversed La Mancha without any obstacle; the 2d division quitted Aranjuez and established itself at Toledo; the 3d division remaining at the Escorial.

The 2d June, the gen. in chief on his arrival at Aranjuez, was informed that the spirit of insurrection had spread throughout the whole of Andalusia, and that the junta of Seville was declared the supreme junta of the government—the provinces of Cordova, de Jaen, and of Grenada, had followed the example of Seville and bodies of insurgents were formed in every place.

The camp of St. Roche, (near Gibraltar) composed of troops of the line, all the regiments of militia that were in the South, the regular troops belonging to the corps of the army, under the command of general Solano, which had been destined for Portugal, were drawn in to join the insurgents, and formed a regular army united with the insurgents.—It then became evident, that the measures taken to secure Andalusia, were insufficient. If the whole body of the army had marched united, it would have been able in the first movement of the insurrections, to obtain the best results; but it had left one division at Toledo, and the other at the Escorial, the gen. in chief, had with him only the 1st division

a brigade of two regiments of Swiss, in the service of Spain, and two feeble brigades of cavalry, the whole forming a body of 7,300 men. Three regiments of the Spanish Swiss troops had formed a junction: but they went over to, and formed a part of the rebel army. One brigade of the army of Portugal, which was also destined for the corps of the army, could not effect its junction, and returned to Lisbon.

The general in chief, after having rendered an account to his imperial highness, the grand duke of Berg, of these circumstances, and his delicate situation, decided nevertheless to continue his march, and moved on to Cordova. He was informed that the bridge of Alcolea, at two leagues from the city, was defended by a considerable body, commanded by Echevarie; the columns, which had till now marched separately, for the facility of obtaining provisions, and as in a friendly country, were concentrated at Anduxdre; the 6th they halted at Carpio, the 7th at day break they were before the bridge of Alcolea, the enemy had at this bridge 12 pieces of cannon, and 15,000 men on the right of the river Guadalquiver, to defend the passage; another corps of 15 to 20,000 men, were on the left side of it; 5 or 6000 regulars were intermixed with the insurgent bodies; and they commenced a brisk cannonade and fire of their musketry from both sides of the river—presently the attack of the entrenchments was ordered, and general Barbon advanced against the bridge, with the brigade of general Pannetier, which was composed of the guard of Paris and of the 3d legion, our battal-

ions advanced at the *pas de charge*, in the brunt of the fire of the enemy; the first platoons precipitated themselves to the assault, and in spite of the great depth of the ditch, they mounted the parapets, bayoneted the enemy in their works, and pursued those who fled to the other side of the bridge, and carried the village of Alcolea.

While this was doing, the general of division Fresis, with the brigade of dragoons of general Privé, and the brigade of chasseurs of general Dupré, supported by the brigade of the Spanish Swiss regiments, under the orders of the general of division Rouyear, commanded by the naval captain Dauzier, acted against the body of the enemy which had descended from the heights, situated on the left of the river Guadalquiver, and who attacked us in the rear, to force us to abandon the bridge of Alcolea; our cavalry made several charges with success, and the insurgents left a great number of dead on the field.

As soon as the bridge was carried, the general in chief caused all the troops to pass over to the right side of the river; he entrusted the defence of this important passage to the guards, and marched himself against the enemy, who had taken a position before Cordova; but they did not wait for a new combat, they retired and abandoned their camp—where we found English muskets, provisions and ammunition; they threw themselves into the city and barracaded the gates—our troops advanced and the place was invested, the corregidor was summoned to present himself, and the citizens were promised a

perfect security if they would submit; but all persuasive means were useless. Enthusiasm governed the people, who rejected every offer of clemency; and their fire was directed upon us from their ramparts and the tops of their houses. Time was wasting, and it became necessary to overcome this obstinacy: the success of the day would have been incomplete without the possession of the city. Our batteries soon forced the gates and our columns filled the streets, in the midst of a cross fire of musquetry from the windows and from both sides of the street; the impetuosity with which we had stormed the place, disconcerted the insurgents, and they took to flight, towards Seville. Pillage was forbid our troops under pain of death, and corps d'élite were employed to maintain the police; the general la Plasse was appointed commandant of the place. This was to us a glorious day—a corps of 7000 men, beat and dispersed an army ten times more numerous. Yet it was necessary to follow up our success, but the weakness of our means opposed it. Having ascertained to a certainty that the troops of the line and the militia made a common cause with the insurgents, and obeyed the orders of the junta of Seville, it became impossible with our force to attack that city, which was defended by nearly 25,000 regular troops, and an immense army of insurgents; Seville has a foundery of cannon and an arsenal, all the means of an armament were there—it was the rendezvous for all the battalions formed in the different towns in the south. Cadiz, which is still stronger, was equally filled with the enraged

revolters, and it could only be taken by siege and required powerful means to reduce it. These powerful considerations suspended our movements for the time; nevertheless, the general in chief did not lose hope to march for Seville, this focus of insurrection in the south. He waited for ten days at Cordova *for reinforcements which never arrived*. The enemy, emboldened by this inaction, determined, as was to be expected, to act on the offensive, and endeavored to profit by their superiority of numbers. It would have been contrary to the principles of war to engage in an action which even in case of success would be attended with no advantage, since we were in a situation which rendered it impossible to profit by it, which could be done only by pushing on in advance; in consequence of which, we fell back on Anduxar, and took our position of the 18th, on the right of the river Guadalquivir.

Ever since our passage through this city, the most violent excesses had been committed by the insurgents of Jaen, who took possession, and massacred the French commandant on the road from Cordova to Anduxar; we found, in different places, and above all at Montaro, traces of the most wanton cruelty. Soldiers marching singly, and at times whole detachments, surprised and surrounded by the peasantry, have experienced every act of cruelty that the most barbarous savages could inflict, some being burned, others buried alive! Bands of smugglers, and convicted felons, commanded by officers of the line, possessed themselves of the defiles of the Sierra Morena, and cut off our communications, all

the couriers and officers charged with despatches were arrested in these mountains, and put to death in a manner the most cruel.

The general René perished after this manner in the Caroline, with several other officers of the *etat major*; even the sick in our hospitals were cruelly massacred in several towns—more than 400 sick fell victims of this barbarity at Manzenares, Caroline, &c.—To cut off the supply of provisions from Jaen, the captain of frigate, Baste, was sent on the 20th of June, with a detachment of cavalry, and the 3d battalion of the 4th legion; this officer executed this expedition admirably, and dispersed the insurgents; on his return to Anduxar he received an order to move with a new detachment for the Sierra Morena, and to chase the brigands from the Caroline, to favor the operations of general Vedel, who was on his march to form a junction with the 1st division. On the 26th, the general attacked a body of 3000 men, who obstinately disputed with him the passage of the Gorge in the mountains; the general Poinso, at the head of his brigade, with boldness and rapidity overcame every obstacle, and took every piece of cannon of the enemy, and the general Vedel immediately took possession of Baylen, leaving in the Sierra Morena the necessary posts to keep open the communication with La Mancha.

A body of insurgents having moved from Grenada to Jaen, the general Vedel received orders to send the brigade of general Casagne, who took possession of the city after a brilliant action, which was renewed the 2d and 3d with equal success. The daily rein-

forcements of the enemy availed them nothing, as it only rendered their loss the more considerable. Major Molard, commanding the 1st legion, and the naval captain Baste, distinguished themselves.

These different operations served to give confidence to the new troops, which it was necessary to form for action—they kept the enemy in check, which was very important to do, waiting for supplies incessantly demanded, and which daily became more and more necessary.

The general in chief was obliged, according to his instructions, to keep possession of Anduxar, it was enjoined on him to attempt nothing offensive until such time as Valence and Saragossa were reduced; besides he had not a force adequate to succeed in the design of passing the Guadalquivir. He was equally enjoined not to pass the Sierra Morena, under the apprehension of an insurrection in La Mancha, and of the insurgents of Anduxar marching to Madrid. Nevertheless, the position of Anduxar had become very weak; the dryness of the season having rendered the Guadalquivir fordable at different points, and the extreme difficulty of procuring provisions; the greater part of the inhabitants were armed and retired into the mountains, leaving their houses empty; there were, however, some resources in the new harvest, it became necessary that the troops should provide themselves against all their wants—the soldier, when he had no longer arms in his hands, was engaged gathering in the grain round the camp; and it was the soldier who ground the wheat, and kneaded his own

dough, and baked his own bread; but even those extraordinary means were insufficient; the distributions were constantly incomplete, and at times the army was served but a quarter of a ration; nor was there a drop of wine, except for the hospitals, and the excessive heat of the climate rendered those privations insupportable.

To those considerations, the general in chief added in his despatches to his I. H. the grand duke of Berg, and to the duke of Rovigo, (*Savary*) remarks on the danger of inaction, and resting on the defensive, giving the enemy time to organize and complete their corps of the troops of the line, to arm and equip new battalions, and to form a train of artillery.—Every day's delay increased their confidence and their means—they had in effect collected forces, so as to be able to take the field with a force equal to 40,000 men, and a large quantity of artillery, and moved to attack Anduxar, on the 15th July; they possessed the heights between that city and Argenise, and established their batteries between the head of the bridge, which general Dubadie, commandant of the engineers, had caused to be built, and commenced their attack.—The general of division, Borbu, had placed in the works of the head of the bridge, four companies of the guard of Paris and of the 3d legion, under the command of general Pennetier, they had prepared an ancient tower which happened to be situated at the entrance of the bridge, to receive a company of grenadiers; the 1st brigade was stationed on the river to the right and left of the bridge, and the 2d

brigade, commanded by the general Chabert, extended to the right, formed together the first line of defence; the *marines* of the guard occupied the city, which the captain of the navy Dauzier was charged to defend; the generals Royer and Schraumm, had placed in reserve, the brigade of Swiss; the cavalry of general Fréſis, was formed on the plain, in the rear of the city, and they kept open, by their detachments, the course of the river; the attitude of our troops inspired confidence in despite of the great superiority of the enemy—the Spanish general in chief, Castanos, seeing our dispositions, confined his operations to a cannonade, which did us little injury, the general Faultrier, who commanded the artillery, hardly answering it, not choosing to waste his ammunition, which it was difficult to replace, and desirous to employ them more usefully in an action more decisive. The next morning, the enemy renewed his attack on Anduxar, during which time the batteries, composed chiefly of pieces of 12 and 16, played with vigor—the columns advanced to force the passage of the river—but a well directed fire, forced them to abandon their design. A body of 3 or 4000 men, who had passed the Guadalquiver, and who had thrown themselves in the rear of our camp, were vigorously repulsed, and forced back into the mountains by the 6th regiment, provisionally commanded by general La Trane.

While this was passing at Anduxar, having brought some troops towards Monzibac, on the road of Jaen to Baylen; the general Legubelair occupied, for

several days past, this important position, and the general Vedel, placed at Baylen, had orders to support him in case of need with all his division. This disposition was formed upon a consideration of the necessity of covering this passage, in order to frustrate the intentions of the enemy, who, despairing to force Anduxar, might endeavor by moving to its right, to fall on Baylen. The general of division, Gobert, who had arrived from Caroline with a part of his division, moved towards Baylen, in order to be able more readily to support either Anduxar or Monzibac according to circumstances—our forces then became as much concentrated as possible, and ready to act together with energy and quickness.

The 15th, a body of the enemy presented itself before the position of general Legubesair, immediately the general Vedel marched to cross the river, in case they attempted any enterprise, but they retired the same day.

The general in chief sent an officer of the *etat major* to general Vedel, to inform him the enemy was in force before Anduxar, and with orders to send a battalion of reinforcement, or a brigade if he had not a superior force opposed to him; instead of conforming to this disposition, the general Vedel marched for Anduxar on the night of the 15th or 16th, with the whole of his division. The enemy, which he supposed had retired, took advantage of his departure, and attacked on the 16th in the morning, the general Legebelair, who had only the force of two battalions.—The general division, Gobert, who had replaced general

Vedel at Baylen, moved with the greatest rapidity to the support of general Legebelair, bringing with him two battalions and the second regiment of cuirassiers; the combat was very severe, our cuirassiers made the most happy charges, and we should have preserved our advantage, but for a wound received by general Gobert, who was struck by a ball on the head—this brave and experienced general died the next morning; he was carried to his grave amidst the most profound regrets, well merited. He was one of the most distinguished generals of France; after he was wounded, the general Dufour took the command, and took his position near Baylen. He ought to have covered this city and waited orders, but deceived by the false information he received, he evacuated it, and moved into la Caroline, conceiving that the enemy would direct their route by the road of Baeza.

On the first news of the action of Mergibar, the general in chief who saw with pain the movement of general Vedel to Anduxere, gave orders for his immediate return to Baylen, and to engage the enemy if they shewed themselves, and after having secured that post, to return to Anduxar, to take advantage of the separation of the enemy into two bodies, and to attack that which threatened Anduxar. General Vedel accordingly was on his march the evening of the 16th, the next morning he saw nothing of general Dufour, who had taken post in Caroline, and he took the same road, without waiting to inform himself of the position of the enemy. Thus did he abandon this very essential post, leaving

the enemy the facility of establishing themselves and cut off our communications. This grievous fault, occasioned by the movement of general Dufour, gave in effect an advantage to the enemy, of which they hastened to profit. They took post at Baylen, and there collected their best troops, to the number of 20 to 25,000 men.

The instant the general in chief heard of the march of the generals Dufour and Vedel to the Caroline, he dreaded the effects of these false movements, he feared for Baylen. In order to prevent the enemy, he immediately raised the camp at Anduxar, and concealed our march from the body that was before this city; at 3 o'clock in the morning of the 19th, we were before Baylen. The enemy having divided his army into two bodies, might have proved ruinous to him, if general Vedel, who found no one in Caroline, and who was convinced of the falsity of the information which led him there, as well as general Dufour, had returned rapidly to Baylen, the Spanish general Reding, who had taken possession of it, would have found himself critically situated, he might be considered as lost, being attacked on both sides at the same time.

In this position the general in chief found himself—he had no time for deliberation—it was necessary to act immediately, to free the passage of Baylen—the greatest celerity was also necessary, not to give time to the general in chief Castanos, who we had left behind at Anduxar to come up and attack us in the rear. The army of general Reding had formed in order of battle in

such manner, as to cover Baylen, and the road in face of the bridge of Hazumlar, a small creek which runs at half a league from Baylen. He had a numerous artillery and of a large calibre. As soon as day permitted to reconnoitre their position, our troops formed and the action began.

The brigades of general Chabert composed of the 4th legion, commanded by the major Teulet, and the batalions (Swiss) of colonel Freulec, commenced the action, they were supported by the brigade of Swiss, formed of the regiments of Preuss and of Reding, No. 2—the first brigade, commanded by general Pannetice hastened their march to arrive on the field of battle, the general of division Barbu, with a corps drawn from the guard of Paris, and the 3d legion, took a post on the heights which commanded the bridge of Azamblar to defend the passage, the battalion of marines of the guard were placed in reserve, and the cavalry dispersed according to the nature of the country, but little calculated for such troops, being cut up by ravines and covered with vines; our first efforts were fortunate, and we gained ground, and took some colors and cannon; the enemy by their great superiority of numbers extended their front beyond our line, and made different attempts on our flank but without success, every attack was repulsed, our cavalry made several bold charges which proved destructive to the enemy: the fire from our battalion batteries killed a great many.

But their position gave them great advantage, the points the most important were occupied by their best troops of the line,

those of the camp of St. Roche and other old regiments, were found united. Three times, in order to break their line we made a general charge; the cavalry, and particularly a squadron of cuirassiers and the chasseurs distinguished themselves; several corps were broke and pushed back, but all the obstacles were not overcome, the passage of Baylen could not be disengaged after 10 hours of the most violent contest. If while it lasted, the general Vedet had appeared, success would have been infallible, and this day been a brilliant one. But he unhappily lost time that was irreparable, to return from Caroline. He had set off the 19th in the morning, and had already heard the cannon of Baylen, which was but four leagues distant, and by a fatality inconceivable, he halted several hours at Guararirunem, two leagues from the field of battle. His intentions nevertheless ought not to be judged unfavorably of.—When he did arrive at Baylen the action had ceased, and necessity had forced an agreement with the enemy, for a suspension of hostilities, to obtain, if it was possible, the liberty of a free passage; worn down with fatigue, oppressed by the excessive heat, and devoured with thirst, the soldier could no longer support himself, nor stand to fight. There was not 2000 men present, the greater part were dispersed—the diligence and intelligence of the officers had done much in the principle of instruction, the young soldiers unaccustomed to war, and who fought for the first time, opposed by an army of regulars, but they were at last totally worn down and ceased to make use of their arms; such had been the vio-

lence and length of the combat, and such the influence of the climate, the burning heat of which had entirely overcome them at the moment.—We had lost general Dupre, and the major of chasseurs, Bureau, their worth, and regret for their loss, cannot be sufficiently expressed; the major Teulet and the chief of battalion, Doucas, were wounded, the gen. Chabert had two horses killed under him, the general Schraumm was slightly wounded.

The enemy confessed the loss of 3000 men, while our loss was not more than the third of that number. We had the mortification to see the Spanish Swiss regiments, who, at first, behaved well, desert almost entirely, and pass into the ranks of the enemy.

Mr. de Villoutre, officer of the *etat major*, and *ecuyer* to the emperor, who had been sent to the Spanish general, Reding, having found him disposed to treat, on conditions honorable for the French troops—it was agreed to suspend hostilities; the same officer was sent to the general in chief Castanos, who was at Anduxar, and on his report the general Marescot and the general Chabert, went to negotiate an arrangement which the fortune of war rendered indispensable. The passage of Baylen was shut to us, and we had behind us, the army left before Anduxar, and which were then at the bridge of Azambiao—there was but one road to pass the Sierra Morena, and this long chain of mountain was impassable by any other route; we were precisely in the situation of a besieged army, without provisions, without ammunition. We had demanded permission to retire to Madrid, and we should have obtained it, but an unfortu-

nate incident aggravated our situation. The enemy having intercepted a letter of the duke of Rovigo (Savary) which ordered the commander in chief to hasten immediately to Madrid, and perceiving the inquietude there was for that city, he became more difficult, and desirous of profiting of this new advantage, and necessity forced us to accede to extraordinary circumstances.

In this relation will be perceived the difficulties which took place, relative to Andalusia, at the commencement and at the close of this campaign; nor can it but be admitted, that all the dispositions of the general in chief have been according to the principles of war. If there have been faults, they have not been of his committing.

This campaign commenced successfully, and if it did not finish happily, it is not to be imputed to the measures he adopted. The day of Cordova was a brilliant one, and that at Baylen, although not successful, did honor to the troops. The brave army of the Gironde, who in the fatigues, the dangers and the privations which they suffered, gave so many proofs of confidence and attachment to the emperor, through the whole of this most painful campaign, have assured to them the right to the esteem of France.

FRENCH OFFICIAL ACCOUNT OF
THE WAR IN SPAIN.

Of enlightened men, and enlarged ideas, anxious to see their country governed by a constitution calculated to secure the rights of the nation, there are a great num-

ber in Spain. That kingdom also boasts many men, whose wishes were attached to the success of many a scene in the revolution of France.

One third part of the territorial property is in the possession of the secular clergy---The monks for the most part, illiterate and bigotted in the extreme, exercise a considerable influence over the minds of the lower orders, who are more ignorant than the people of any other country, and have consequently for the last century, only made progress in superstition and indolence.

The events at the Escorial, and Aranjuez, which have made a deep impression on the respect due to the throne, the convocation of a junta at Bayonne for the purpose of forming the grounds of a constitution, the unforeseen and extraordinary events of the 2d of May at Madrid, all those things have set the passions afloat, and have wound up both hope and fear to the highest pitch.

The English faction could not overlook the opportunity to derive every advantage from this state of things: it has all along been very active and powerful in the ports, and its influence has been felt even in Madrid. It has by the public situation of the continent acquired strength, and more particularly so by the sacrifices imposed on the Spanish trade by the cogency of circumstances.--- Thus seconded, their arts were not unsuccessful in establishing the notion of giving up the alliance with France, to form an union with England, and this secret wish had a considerable influence on the events of Aranjuez, and those that followed.

The majority of the good and enlightened individuals of the na-

tion, composing the nobility and dignitaries of the church, was animated with a commendable spirit, but by the party of the inquisition and of the monks, instigated by numerous agents stipendated by England in Spain, availed themselves of the blindness and stupidity of the lower orders of the people, misled them by false rumors, put arms into the hands of the needy class, and at the end of May the insurrection broke out, at the very time that all the arrangements respecting Spain had been perfected, and that the junta at Bayonne was meeting, and its operations commencing.

At Valladolid, Saragossa, Valencia, Seville, &c. miracles were solemnly proclaimed: these juggling tricks, which with every other nation on the continent would only have met with condign derision, have made upon the minds of the Spaniards their fullest impression. On the coasts, a numerous party, known by its antipathy to France, and which was excited to make common cause with England, in order to recover liberty of trade, spurred the people on, and feigned to give credence to the superstitious annunciations. Moral disorders arose from such dispositions which communicated at the same time to the provinces of Navarre, Arragon, Estremadura, Castile, Leon, Asturia, and Galicia.

They began on the 17th of May in the southern provinces. The counsellor of state don Miguel de Saavedra, was captain general of the kingdom of Valencia, and attempted to oppose the views of the insurgents, his life was threatened and he fled to Requena! but the insurgents inform-

ed of his abode, crowded thither, seized his person, conducted him to Valencia, and there murdered him near the hotel of count Cervallon, who seemed to have their confidence, but whose efforts nevertheless to rescue the unhappy man proved fruitless. The head of don Miguel de Saavedra was impaled, carried through all the streets, and placed at the top of a pyramid, whilst the marquis of Arvueva, on whom a similar fate was impending, narrowly escaped it.

On the first burst of the insurrection, the insurgents demanded that all the goods belonging to the French, residing in the kingdom, should be declared forfeited, and their persons secured in the citadel. A few days after they dragged the crew of a French ship which had been pursued by an English frigate, and sought refuge on the Spanish coast, into prison. On the 14th of June, they in a fresh paroxysm of fury, massacred these captives; however, on the 17th June, the members of the Junta, who had been constrained, on forfeiture of life, to take part in the committee, arraigned by a solemn act the author of these atrocities, giving him up to constitutional authority, and naming as such, Balthasar Calbo, a minister of the altar, and member of the chapter of St. Isadore, at Madrid.

At Cuenca, the corregidor and the intendant were thrown into chains, and carried off by the riotous boors, who, before they departed, pillaged the houses of these two respectable magistrates and abused their families.—At Carthagena the people murdered the governor, who had for a long time enjoyed the public esteem. At Granada, on the 30th of May

arrived general Truxillo, governor of Malaga; he was murdered by the people; his body dragged through the streets, cut in pieces, and afterwards burnt. At Algesiras, the 2d of June, the French consul was cast into prison, and the rioters demanded his head; but the resolution of the well-disposed prevented the commission of this new excess.

At St. Lucar de Barameda, they massacred the governor of that place, a man equally distinguished by his rank and merits. At Jaen, the peasants forced the citizens to quit their houses and property, murdered the corregidor and plundered the town.

Seville having raised the standard of revolt, formed a factious junta, and part of the soldiery from the camp of St. Roch and from Cadiz, invited by the high encouragements held out to them by the insurgents, joined the party, and the first evidence that they gave of their force was the murder of count Aquilla, one of the most respectable characters of Seville, whilst a captain of smugglers was nominated chief of the insurgents, consisting of monks, deserters, and smugglers, drew out in arms to beset the passage through Cordova.

At Cadiz the people rose on the 26th of May, against the lieutenant general Solano, marquis del Socorro, the captain general of the province, and governor of the city, a man hitherto universally revered. The insurgents then drew arms from the barracks, and a cannon from the bulwarks, fell upon the hotel of the governor, seized his person, and murdered him in the most atrocious manner. At Carolina, they decapitated the governor, who

had presumed to oppose the disorders. No less horrible were the excesses committed in Navarre, Arragon, and Catalonia. At Saragossa, the peasants shot the colonel of the king's regiment of dragoons; and thirty-three officers of the same party, against whom they revolted, were massacred in the most inhuman manner.

The same hatred to all authority, and to all men vested with office, produced similar scenes in Estremadura and the Castiles. At Radajoz, the insurrection broke out on May 30, and was in an instant matured. The hotel of the governor, count de la Torre del Fremo, was assaulted. These insurgents demanded arms, and to be enrolled; when the governor with the bishops appeared at the balcony, exhorting the multitude to retire, but in vain; the infuriated would listen to no reason, they overpowered the guard of the palace, rushed into the chamber of the governor, seized him, and dragged him as far as the palm gate, where with knives and sticks they murdered him, exhibiting the naked and bleeding corpse to his wife, whilst they rifled the palace. At Valladolid general Don Miguel Cevallos, commandant of engineers, was on the 5th of June, in consequence of an order of general Cuesta, cast into the prison Carbonero, but the insurgents drew him out and cut him in pieces in the presence of his wife and children, carried his head around on a pike, divided among themselves the limbs, which were dragged about the streets in token of trophy. At Talavera, on the 5th of June, the governor was disposed to punish the rioters; here-

upon they cried out for his head, and he owes his preservation merely to a narrow escape facilitated to him by a few brave men.

The provinces of Leon and Asturias were at the same time scenes of the most tragic events. —At Corunna, general Filangieri endeavored to mitigate, by persuasion, the fury of the peasantry; he would have been shot, had not an artillery officer stepped before him and saved his life; the insurgents, nevertheless, on the day following, penetrated into and seized his palace, which they demolished, he having sought an asylum in the Convent of St. Domingo. At Ferrol, on the 22d of June, they plundered the house of the lieutenant general of marine, Obregon, and having discovered him in the manufactory of Isquiendo, they incarcerated him at St. Antonio.

In the kingdom of Leon, the peasants drew up in different towns, burghs, and villages, having cut off the heads of many respectable citizens; and it was announced that the governor of Corunna, the corregidor of Leon, and count Castro Fuerte, colonel of the militia of Valto, being placed in the hands of general Cuesta, should be delivered over to the executioner.

In every direction the men who by their worth, virtue and fortune, had excited universal respect, paid with their lives the gallant resistance, and the love for their country, which they opposed to dissolution and riot; whilst committees of insurrection made themselves masters of the public funds, organized themselves, and inspired all the good and honest with terror.

The ministers, the members

of the Junta of Madrid, and of the commission of government, used every exertion to pacify, but in vain: the multitude could not be reduced to obedience, ignorant deluded men wanting to grasp at power and plunder.

This exasperation was the inevitable consequence of the state of insecurity, the sufferance and misfortune into which their government had precipitated the Spanish nation. She was prepared and awakened by the artifices of England, and by the disorder of public nationalities, sprung from those of parties and of the times. It became necessary to recur to arms to bridle the insane and to deter the malevolent.

Marshal Bessieres directed, on the outset, different detachments upon Lagronno, Saragossa, Segovia, Valladolid, and St. Andero, which columns, though not numerous, had respectively all success, without suffering any material injury.

The town of Logronno had raised the standard of insurrection, and chosen for its chief a mason, one of the unworthiest fellows in the district. General Verdier was ordered to march with two battalions, surrounded the city, and drove, on the 6th of June, the insurgents to flight, taking from them six cannon, brought the most riotous to punishment, and replaced in the government of the town the principal citizens, who had been cast into prison, returning subsequently to Vittoria.

General Frere had marched upon Segovia, where commotions had also taken place, and on the 7th of June, being arrived within a quarter of a mile of the city, he sent a parley to the magistra-

cy, in order to bring the insurgents to a sense of their duty; these, 5000 men strong, with 30 cannon, would not permit the party to approach, but fired on him with cannon, which induced the general to make the assault without delay, and the place was taken by force, a great number of the insurgents having been crippled, many taken prisoners, and all their cannon taken from them. The city having been freed of the insurgents, and left to itself, submitted.

General Lasalle drew from Burgos to Torquemada, where 6000 insurgents had waited, which on the 7th he caused to be attacked by 600 chasseurs; they were dispersed, leaving 1200 dead on the spot; the village of Torquemada was reduced to ashes.

General Lasalle marched on the 8th to Palencia, which as he was approaching, a deputation, with the bishop at their head, met him, bringing him the submission of the town, which immediately returned to its duty accordingly. The 9th and the 10th days were consumed in disarming the town and province of Palencia.

On the 12th, he advanced to Duennas, where he formed a junction with general Merle, and from whence he continued his march to Valladolid. Here the mania had been strongly developed, and general Cuesta, captain general, had put himself at the head of the malcontents, and taken post at Cabeson, with 7000 insurgents, and six pieces of artillery. After having reconnoitred the position of the insurgents, general Sabathier was ordered to force them in it, whilst general Merle was directed to cut off his retreat to Valladolid. The firing lasted but

one half hour, and the insurgents were completely beaten, scattered in every direction on the field of battle, leaving their artillery, 4000 muskets, and about 1000 killed behind.

The bishops of Valladolid, with the principal clergy of the city, came to meet general La Salle, supplicating forgiveness to the city and its inhabitants. The French division drew into the city, amidst a multitude, that had merited severe castigation, and with admiration beheld the goodness and forbearance of the French. The city and province were disarmed, whilst ten members of the council of Palencia, Segovia, and Valladolid, were deputed to go to his catholic majesty at Bayonne, there to supplicate his clemency, in the act of tendering the fealty of their fellow citizens.

The bishop of St. Andero having instigated his diocesans to revolt, and abandoned himself to all manner of frantic excesses, general Merle proceeded to the mountains of St. Andero, where general Ducos had repaired. On the morning of the 21st he fell upon the insurgents, drove them from all their positions, and took two 18 pounders from them which they had barely been enabled to fire twice, with grape, without wounding any body; on their part the loss was considerable.

On the 20th, general Ducos arrived at Soncillo, attacked the insurgents, and repulsed them to the distance of one mile. On the 21st he did the same on the road of La Vento de l'Escudo, which was defended by four guns, and 3000 men. On the 22d he was within four miles of Andero.

On the 23d generals Merle and

Ducos entered St. Andero, the one on the side of Torre de La Vega, and the other along the way of l'Escudo ; and no sooner had they entered the city, than the peasants returned in all parts to their homes, and the inhabitants back to the city. The city of St. Andero having made submission, made solemn oath of fidelity to his catholic majesty, as Segovia, Palencia and Valladolid had done.

In such manner did the troops under marshal Bessieres, in a few days, take 30 pieces of artillery, fifty thousand stand of arms, disarmed Palencia, Valladolid, &c. which ensured quietness in Navarre, Guiposoca, Alava and Biscay.

During the first operations of marshal Bessieres, troubles had also broke out in the southern extremities of Navarre and Aragon.

General Lefebvre des Vouetres set out from Pampeluna, at the head of 3000 men, mostly composed of the Polish pikemen, and the first regiment of the Vistula ; he drew up towards Rudela, where a squadron of from three to four thousand men had arrived from Saragossa ; he attacked and dispersed them on the 9th of June, taking from them six pieces of artillery, and castigated the chiefs of the insurrection. He caused the bridge over the Ebro, which had been burnt down, to be re-established, and marched at the head of the Polish pikemen, upon Malten, where the insurgents, reinforced from Saragossa, had taken a fresh post. He arrived there on the 13th, and immediately attacked them ; one single charge of the Poles sufficed to overthrow and put them to flight,

leaving the five pieces of artillery which they had behind them. He proceeded on the 15th to Alagon, where the insurgents, from 3 to 4000 strong, were put to flight, and lost their cannon ; nor did they on the 16th offer any ulterior resistance to the olive fields and suburbs of Saragossa. The actions of Epila en Monte, Torveró, on the 23d and 29th, had the same results.

In all these different expeditions, the insurgents had from 2 to 3000 killed, and many wounded. A vast number of them have been made prisoners, and 30 pieces of artillery taken, whilst ours consist barely of from 20 to 30 killed, and from 60 to 80 wounded.

General Verdier joined, under Saragossa, general Lefebvre, and began to shut up the place. On the 2d July, having played off two howitzers, he took the convent of St. Joseph, which covered part of the city. From the 2d to the 13th July, arrangements were made to compress the insurgents more and more, and to gather the materials for throwing a floating bridge over the Ebro. On the 11th, the passage of the river was made by force, and some troops were posted on the left side, to protect the formation of the bridge, which, on the 12th at noon was completed. In the interlapse different corps had met in the plains to break the communication, but they were at Alumnia, Calatayod on the Tauste, defeated, losing in the various engagements many men and necessaries of war. The troops that beset the left bank of the Ebro, before Saragossa, sustained also various attacks from detachments of the city, but the insurgents were repulsed in every en-

counter, losing altogether, but especially at Joussival, many men and many field-pieces, all eight pounders.

The blockade of the place, into which several corps of insurgents who could no longer hold the field, had thrown themselves, was now completely formed.

General Duhesme commanded in Catalonia, having his head quarters at Barcelona.—In some parts of this province complots were also commencing to work. The sparks of revolt burst out in the towns of Mauresa and Tarra-gona. On requisition made to them, they promised submission. Not, however, complying with the promise, general Schwarts received directions to proceed to Monserrat, there to make researches, information having been given of new plots. On the 6th of June he met the insurgents at Bruck, overthrew them, and killed a number of them. He also obtained advantages at Espiguera, Martoreil, and at Malinis del Bre. Other bodies of insurgent peasantry had fortified themselves with cannon on the river Lobregó; they had possessed themselves of the artillery which they found on the coast. General Duhesme caused them to be attacked, and from the 8th till the 11th they were pursued at all points, and their artillery taken from them. This expedition was terminated without any loss on our part, whilst the insurgents paid dearly for their temerity.

Fresh reinforcements of peasants, from the mountains, having poured down into the plains, they cut off the Montgat and Moneada, and beset the small fort of Moncado, where they entrenched themselves. On the 17th they

were attacked, and almost as quickly overthrown. The fort of Montgat was taken, the insurgents lost many men, their colours, and 20 pieces of cannon of different calibre.

General Lecchi, pursuing the fugitives on the heel, arrived at the town of Mattano, which was put into a state of defence, and barricadoed, he attacked the town with the same celerity, took possession of it, and carried off ten guns from the batteries. General Duhesme directed the same column towards the Narrows of St. Paul, on the 29th he attacked them, and, without delay, rushed upon the enemy and took ten pieces of artillery from them. In sequel of these various engagements, which had in view to secure the communication, general Duhesme returned to Barcelona. He had scarcely 100 men killed and wounded, the loss of the insurgents was notable.

During these operations, a fresh line of insurgents had formed behind Lobregó, which by the melting of the snows that had for some days fallen in the mountains, had swelled considerably. They had erected at Molino del Re, a battery of three guns which ranged the bridge, that had been broken down in several parts, and all the fords of the river down to the mouth of it were beset, besides two flying field pieces hovered on the line.

On the 30th of June, in the morning, the troops marched to try the insurgents. General Goullés and brigadier-general Bessières proceeded to the mouth of the river, forced the passage, and pushed up the right bank of it, taking all the positions of the insurgents in the rear, who offered no resistance, and experienced

a great loss ; at the same time the division of general Lecchi assailed the bridge of Molines del Re, took the three pieces guarding the passage way. The residuary part of the insurgent, who were beaten in every direction, fell back on Martovell, their place of rallying ; general Lecchi pursued them sword in hand, and dislodged them from their position. It is scarcely possible to exaggerate their loss ; forty thousand stand of arms were picked up on the field of battle, and all the artillery the insurgents had fell a prey to the victors.

On the side of Figueiras, atroupments of peasants had formed to break off the communications of that place. General Reible proceeded thither from Bellegarde on the 5th of July ; after having beaten and dispersed the insurgents, he threw provisions into the place, and strengthened the garrison. Whilst these events, of which we have given account, were taking place in Biscay, Navarre, Arragon, and Catalonia, Marshal Moncey put himself in march with his light corps towards Valencia, where also an insurrection had burst out.

On the 21st of June he met with the insurgents, entrenched in a fair position, around the villages of Pesquera, protecting with four pieces of artillery the bridge of Cabriel and its entrance from the narrows. The bridge and the narrows were carried ; the insurgents left their artillery, and 500 Swiss and Spanish guards came over to our ranks. The insurgents united with their main army, retreated to Cabrerias, and before Siete Annas, where they in their own opinion entrenched themselves in an impregnable sit-

uation. On the 24th, Marshal Moncey attacked vigorously their position, truly rugged and arduous, and expelled them from it ; they fled in disorder, and left the whole of their ordnance, consisting of twelve pieces, their ammunition and their baggage. The army pursued its way to Valencia, where a seditious conventicle had assembled. He met the insurgents one mile and a half from the city. They had entrenched themselves behind the canal, and defended the bridge of the high road passing through the village, with artillery, which bridge had been broken down. The artillery were instantly posted. The troops marched on in different columns, and in less than an hour, the columns of the insurgents were broken, the bridge re-established, the village Quarte taken possession of, five pieces of artillery conquered, and the insurgents entirely dispersed. On the next day, the 28th, at day break, marshal Moncey repaired to Valencia ; the vicinage of that city is intersected by a number of canals, and covered with gardens and houses ; the suburbs reach to the gates. Marshal Moncey ordered the attack. French intrepidity surmounted all obstacles ; the suburbs were then taken and bestrewed with dead bodies ; 20 pieces of artillery were taken, but the walls covered with breaches, were secure against any storm. The marshal pitched his camp, in expectation of some heavy artillery.

A few days after he received intelligence, that a division of the insurgents, from 5 to 6000 in number, intended to maintain the field. He marched immediately to attack them, and moved for

that purpose to the right bank of the Xucar. The heights were immediately attacked and carried; the insurgents were dispersed, with the loss of several pieces of cannon, and driven back to the height of Almanza. On the 3d they were surprised at break of day, and a great number of them killed. Our troops occupied Almanza, and marshal Moncey was ordered to take up a position at St. Clemente. He had collected the necessary heavy ordnance to besiege Valencia, when the occurrences, which took place in Andalusia, called for different measures. During these various movements, in the course of which marshal Moncey fought no less than six battles, killed a vast number of the enemy, took 50 pieces of cannon, and three stands of colours. His loss consists of 200 killed and 500 wounded. While these operations were carrying on, the people of Cuenza committed the most enormous excesses against a French officer and several soldiers. General Caulaincourt received orders to put himself in motion with his brigade, to chastise them for their outrageous conduct. He marched accordingly from Tarragon on the first of July, and reached Cuenza on the 3d, at four o'clock in the afternoon. On his approach the insurgents appeared determined to defend the town; they were three thousand in number, and had two pieces of cannon.—General Caulaincourt attacked them without delay; they lost their artillery, and were so completely routed, that they relinquished all ideas of defending the town, and retreated from all points to the mountains, leaving behind their arms, and from seven to

eight hundred killed and wounded. The town, which was deserted by all the inhabitants on the approach of the French, was given up to pillage.

General Dupont, who left Madrid at the end of May, proceeded to Andalusia. In the first days of June he passed the Sierra Morena, and directed his march towards the Guadalquivir. On his arrival at Andujar he received intelligence that the insurgents had formed a council of government in Seville, and part of one district of Jaen, had raised the standard of sedition, and that a very considerable body of insurgents was assembled in the vicinity of Cordova; he immediately put himself in motion to attack them. On the 6th of June he took possession of Montoro Carpio, and Bagalera, without having met any insurgents but a reconnoitring party, which had pushed on as far as Alcolea, a short distance from Cordova, reported, that they were in considerable force in and near that town, and seemed determined to dispute the passage of the Gaudalquivir.

The mountain of Alcolea is of considerable extent and difficult of access; it was defended by a *tete de pont*, by batteries erected on a height, and by corps of infantry, which, from one bank of the river kept up a very brisk musketry fire on the other. The first attack was made on the 7th of June at break of day. On it being observed, that the bridge was not destroyed, orders were immediately given to attack the entrenchments, which were found of uncommon depth. The bridge head, the bridge, and the village of Alcolea, were carried in a few moments. The insurgents fled

in the utmost confusion, leaving behind their artillery and a vast number of killed and wounded. All who had escaped from the battle of Alcolea, retreated into the city of Cordova, without daring to maintain the camp which the insurgents had formed in the front of the city, and where a strange and uncommon medley of arms, pikes, and English muskets were found.

When the army had reached Cordova, the general sent for the corregidor, or magistrate of the town, and also desired the prior of a convent to endeavour to prevail on him not to make any resistance, but to accept the offer of mercy made him. These measures, however, failed of success; and the insurgents, composed of 15,000 armed peasantry and 2000 regular troops, fired from all sides on the French, the gates were forced, and the town was taken by assault. The advantages gained this day were important; the enemy sustained a severe loss, and tranquillity was restored in the place.

On the 19th, captain Barte was detached with a column of 900 foot, and 100 horse and artillery, to procure provisions from Jaen. The insurgents fired on two men who marched at the head of the columns with flags of truce. The following morning he made an attack on the entrenched camp, the citadel, and the town; it was made with the utmost vigor; and all the enemy's positions were carried. The insurgents had 200 killed, and 500 wounded. In the mean time, two divisions of smugglers, composed of about 3000 men, had proceeded to Sierra Morena, and intercepted the communication with Madrid. The

duke of Rovigo, who had assumed the command in chief after the departure of the grand duke of Berg, detached thither general Wedel with his own division, and that of general Gobert.

General Wedel arrived on the 20th of June, at the narrow passes of Pena Penor. To come in sight of the enemy, attack and rout him was the work of a moment. The insurgents lost 900 men, their artillery, provisions, and warlike stores. We had 2 killed and 10 wounded, and general Wedel immediately formed a junction with general Dupont, who ordered the former to occupy Baylen, and general Gobert to take up a position in and near Carolina. With his first division he occupied Andujar, on the Guadalquivir, where he constructed a *tete de pont*. Another bridge head was erected near the village of Manjibar, on the road which leads from Jaen to Baylen.

It was of material consequence to maintain the position of Jaen, which was nearer the line of communication than Andujar, and it was impossible to keep possession of the latter, as soon as the enemy should have occupied the former. General of brigade Casane was detached against Jaen. In the beginning of July he had several actions with the insurgents, in which he constantly proved victorious.

The position of general Dupont, which at first appeared rather critical, could no longer excite any uneasiness, since he was reinforced, and it was in his power, in the course of one day, to place the passes of Sierra Morena between himself and the enemy. He had more troops than he stood in need of, if not to restore

order in the province, at least to guard against any surprise, which might be attempted by the insurgents.

Such was the state of affairs about the 20th July, the time of the arrival of the king in Spain. The insurgents were dispersed in all parts, disarmed, subdued, or curbed, and made no resistance of moment.

The preparations for the siege of Saragossa were carried on with the utmost vigour, and the heavy ordnance necessary for that purpose had arrived at Pampeluna from Bayonne. The insurgents made on the 23d of July, a sally, and attacked the troops who occupied the left banks of the Ebro. A body of insurgents, the principal part of which consisted of the third battalion of the volunteers of Arragon, was drawing near on the 30th of June, with a view of penetrating into the town, and reinforcing the garrison. All the operations and attempts of the insurgents failed of success; they were every where defeated and put to flight.

On the 26th August the breach was judged practicable, and an assault was ordered to be made. The gates of St. Ignacio and Carmen were forced. At the end of very obstinate engagements, which lasted several days, 14 entrenched convents, three fourths of the town, the arsenal and all the magazines were taken. The peaceful inhabitants, who encouraged by the advantages gained by the French, hoisted the white flag, or came with a flag of truce to make offers of submission were murdered by the insurgents, at the head of whom Monks were seen transformed into colonels and captains. A great number of

these wretches have perished, and the ill-fated town of Saragossa is almost entirely destroyed by bombs and conflagrations.

In the mean while, the whole regular army of Andalusia and Galicia took an active part in the rebellion; and the troops of the line, who were stationed in Madrid, St. Sebastian, Barcelona, and other places joined the insurgents. The French, who arrived in Spain as friends, acting in concert with the ministers, councils, and principal citizens, forebore to disarm the Spanish troops, and refrained for a considerable length of time from all hostilities. Experience now shews that this generosity of conduct has been ill requited.

Intelligence has been received, that a corps of 25000 men, with 40 pieces of cannon, is assembled at Benevento, attended by English commissioners and officers. All the Spanish prisoners were sent back to Spain by the British government, and who are distinguished from the rest by the red regimentals which they received in London, form part of that corps. This corps shewed an intention to march to Burgos, but marshal Bessieres marched to meet them with the divisions of infantry of generals Monten and Merle, and with the division of cavalry of general La Salle, amounting in the whole to 12000 men.

On the 14th, at break of day, he came in sight of the enemy, who occupied a large extent of ground on the heights of Medina del Rio Seco.—As soon as the enemy's position was ascertained, the marshal determined to attack them on the left, and general Darmagnat, at the head of his brigade, was the first who engaged

the enemy. At the same time general Monton rendered himself master of the town of Medina del Rio Seco, with fixed bayonets—and generals Lavelle, Duro, and Sabathier, led on their brigades under acclamations of "Long live the emperor." All the positions were carried, and the enemy put to flight with fixed bayonets; the insurgents lost all their artillery, consisting of 40 pieces of cannon; and the whole Spanish army was thrown into the utmost confusion. 6000 were made prisoners, and more than 12000 were left on the field of battle. All their baggage and military stores fell into our hands, and a number of officers were found among the slain. The 10th and 22d regiments of chasseurs, and in general, all the troops, covered themselves with glory.

The enemy fled in the utmost disorder to Benevento, where they only remained a few moments, and retreated to Labenara, Attorgo, and Leon.—They left behind, in Villa Pardo, 5000 pounds of gunpowder, and 100000 cartridges. The English colonel, who attended the army of the insurgents in the quality of commissioner, repaired to Lugo before the commencement of the action.

Marshal Bessieres pursued the enemy, and arrived on the 19th at Benevento, where he found 10000 muskets, 26000 pounds of gunpowder, and 200000 cartridges, which the enemy left behind him in the hurry of his flight. He received a letter of submission from the inhabitants of Zamora, and on the following day, the 20th, he entered that town, whence he proceeded to Majorca,

and received intelligence, that general Cuesta had passed through that place at the head of 500 horse, and ordered the fugitive army to rally.

On his arrival in Majorca, a deputation from Leon was presented to him. General Cuesta had quitted the town leaving behind 10000 muskets, a number of pistols and sabres, military stores, and five pieces of ordnance. Marshal Bessieres entered Leon on the 26th. The bishop came two miles to meet him, and the council rallied the army before the gates of the town, assuring the marshal of the submission of the inhabitants, and imploring the mercy and protection of the conqueror.

By this important victory the provinces of Leon, Valencia, Valladolid, Zamora, and Salamanca, were reduced to submission and disarmed; and the communication with Portugal was secured.

All these transactions, added to the king's arrival in Madrid, promised the most brilliant and fortunate turn of the affairs of Spain, when general Dupont, after a series of events, which we cannot relate in this place, since they are to become the subject of future inquiries and researches, committed the unaccountable fault to suffer his communication with Madrid, nay, which is still worse with two parts of his corps to be cut off, and to give battle on the 19th July, with only a part of his force, in an unfavorable position, after a forced march, and without allowing his troops a moment of repose.

There are but few instances of a conduct so absolutely contrary to the first principles of the art of

war. This general who did not know how to command his army, displayed afterwards, in the course of the negociation which was set on foot, as little talent and experience as a negociator. Like Sabinus Tiberius, he was led to ruin by his own perversity and imbecility of mind, and like him, suffered himself to be deceived by another Ambiorist ; but more fortunate than ours, the Roman soldiers fell with their arms in their hands. This unexpected event, which acquired additional importance from the courage with which it cannot but inspire the insurgents, the intelligence received of the numerous English corps threatening the coast of Galicia, and the excessive heat of the season, which greatly obstructed the rapidity of military movements, induced the king to concentrate his troops in a less sultry climate than that of New Castile, and there to wait for a more convenient time and more salubrious weather.

The king left Madrid on the 1st of August, and the whole army returned into cantonments. On the 20th of August the insurgents had not yet arrived in Madrid ; discord and confusion seem to prevail among them. On the 22d the king was in Burgos, and detachments sent from thence 15 and 20 miles into the interior, have not met with the enemy.

All men of sense cannot but lament that England has obtained the painful advantage of exciting in the bosom of Spain a civil war, the result of which cannot be doubtful. But the lights of the superior classes of society have

not sufficient influence over the multitude, to prevent them from destroying the happiness and prosperity of their native land.

General Duhesme had re-occupied Barcelona, and secured the possession of that important town. —The English cruisers have landed some British agents in Bilboa, the populace gave themselves up to seditious commotion, in which, however, the merchants and other respectable inhabitants of the town took no share. General Mertin marched thither with two squadrons of horse and two regiments of foot, rendered himself master of two convents, disarmed the insurgents, and restored the council of government of the province. The insurgents lost 500 in killed and wounded ; of our corps three were killed and 12 wounded.

This is the correct account of the events of the campaign in Spain. Not one engagement, not one action has taken place, in which our troops have not distinguished themselves by their wonted gallantry and valour.

Had general Dupont kept his troops together, he could not have found it an arduous task to subdue the insurgents, since his corps consisted of three divisions, amounting to at least 20000 men.

All the accounts given in the English Newspapers of the state of affairs in Spain, are false and absurd. England knows full well how to calculate the result of all her exertions. Her object is to keep the spirit of sedition alive in Spain, in order to obtain such of her foreign possessions as shall best suit her ambitious views.

ACCOUNT OF THE MILITARY OPERATIONS OF THE SCHELDT, FROM THE SURRENDER OF FLUSHING TILL THE EVACUATION OF THE FORT OF BATZ BY THE ENGLISH.

Every circumstance relative to the military operations on the Scheldt, during the siege and bombardment of Flushing, is so important, that it has been thought proper to publish the original pieces themselves, or extracts of the official correspondence. The latter operations, from the surrender of Flushing till the evacuation of Batz, do not require to be detailed so minutely: it will, therefore, be sufficient to sketch their outline.

After taking possession of Flushing, the enemy seemed to employ the period that elapsed between the 15th and 19th of August, in collecting all his force round the fort of Batz, situated at the extremity of South Beveland, at the point where the Scheldt divides itself into two arms.—Every thing seemed to indicate in the enemy an intention of transporting his army over the Eastern Scheldt, on the right bank, between the Sandvliet and Bergen-op-Zoom, whilst his flotilla and men of war should attack the forts on the banks of the Scheldt and our flotilla on that river.

Meanwhile the Prince of Ponte Corvo, who arrived at Antwerp on the 15th, availed himself of the time spent by the English in making this hostile demonstration, to execute the orders of the Emperor, organise, dispose, and animate the troops, accelerate defensive labours, inspire the army with confidence,

and snatch from the enemy the possibility of attacking Antwerp. His Excellency General Dejean, who arrived on the 16th, co-operated in forwarding these dispositions, as Minister Director of the War Administration, and First Inspector-General of Engineers. Vice-Admiral Missiessy, the Generals, the officers, of Artillery, the Naval Prefect, the Prefect of the department, all the authorities, displaying in their various functions, the same zeal and talents, directed by the same spirit, presented a noble union of will as well as resources, tending towards one single end, the disgrace of the enemy, and the glory of the arms of France.

Whilst the British forces were collecting round Batz, new troops, cavalry and artillery, pouring in from every quarter, swelled our army at Antwerp. The two French and Dutch corps, posted near Bergen-op-Zoom and Hulst, were continually reinforced, and in readiness to fall on the rear and flank of the enemy, whilst the army should attack him in front, and throw him back into the Scheldt at the moment of confusion that would attend his attempt to land on the dikes, or the sands and muddy grounds that form the banks of the river.

The French fleet ascended the Scheldt, and yielding for the service of the army part of its sailors and marines, co-operated in the defence of the land! whilst the flotilla, covered by batteries, and protected by gun-boats, grounded for that purpose on the banks, formed a double line that flanked both Fort Lillo and Fort Liefkenshoeck. New batteries were raised in the covered way of these forts the strength of which

defied attack to sweep the surface of the river.

Under the protection of this line of defence, a second was formed. The old forts were raised anew, and batteries were erected on the ruins of those which could not resume their former shape. Labourers, cannons, and soldiers, covered alternately all those posts, forgotten since the famous siege of Antwerp in 1583; the forts of St. Philip and St. Mary, which formerly defended the bridge cast over the Scheldt by the Duke of Parma; Fort Pearl, which covered the opening of the canal cut during the siege, to facilitate the conveyance of provisions and ammunition from Gand to the besiegers' camp below Antwerp; the fort of the Cross, which protected the duke of Cowestein, the brave defence of which prevented a flotilla from throwing any succours into the town whilst navigating on the inundations—to all these posts was added the battery of Melkhuys, most favourably situated on a portion of a perpendicular dike at one of the elbows of the river.

In this position, rendered celebrated two centuries ago by the offensive works of the besiegers, our marines reproduced those very same works for our defence; planted strong wooden posts, collected boats, and prepared them in a manner to prevent their being sunk, and formed a double boom under the protection of the forts and batteries of the Cross, Melkhuys, Pearl, St. Philip, and St. Mary.

Behind this boom, and beyond the point where ships, in order to double the Cape of Fort St. Philip, are obliged to describe a curve

in the Scheldt, three men of war were stationed, whose treble batteries commanding the passage would have assailed the enemy in front, whilst his flanks and rear would have been cannonaded by the forts and batteries on both banks of the river.

Higher up, Forts Isabelle and Ferdinand, supported by the Imperial battery, formed a third defensive line, which it was necessary to break through, in order to approach the fleet and dockyards, which might have been further secured by sinking vessels in the river, that might have been raised again after the siege—a last means of tearing from the grasp of the English a prey which they might have thought almost in their power.

Supposing all these difficulties to have been conquered, the fortified town and citadel of Antwerp still remained, and it would have required the greatest exertions on the part of the enemy to have attacked a brave garrison, protected by good works, and resolved to defend itself like the garrisons of Genoa and Mayence, that is, to fight without its walls, and to contend obstinately, in the midst of inundations, for each of the numerous natural posts with which Antwerp is surrounded.

To this system of defence, the threatening dispositions of the English only served to inspire us with the bold determination of adding new ones. Three batteries were, by command of the Prince, erected under the fire of the enemy: the one at the point of Doel, another in the ruins of the old Fort of Frederick Henry, and the third between that fort and Lillo, in the elbow which the dike forms near the creek of Blawgaeren.

Such were the means of defence employed to secure Antwerp, its dock-yards, and its fleet.

We must, however, acknowledge, that time would have been wanting to finish those immense preparations on every point, and that hostile fortune might have granted some momentary advantages to the English, had they, on the 19th of August, made their attack, and displayed all their means with the prudence and boldness indispensably necessary to meet such difficulties, and such adversaries. But even this was foreseen. Defensive positions were marked in the neighbourhood of Antwerp, to be taken by the army, which received daily reinforcements; and measures had been planned, in conformity with the Emperor's commands, to cause the very progress of the enemy to become a snare, by which he would be separated from his ships, and the punishment of his temerity would have been more complete and memorable.

Every day of delay rendered the attack more difficult, and its success more doubtful. New legions followed those which a first call had created; and French warriors, rushing in from every part, displayed that unanimous resolution which saved them at the hour of misfortune, of never suffering the enemy to invade their territory. Reinforcements of troops and artillery arrived incessantly. The first inundations were effected, and the others prepared. Labourers and means of conveyance grew every day more numerous; and the soldiers beheld with complacency the progress of works which covered the Scheldt with forts, batteries and booms. Every day it became more probable that the naval forces of the enemy would not attempt to penetrate through the sinuosities of the river, in defiance to all the obstacles raised against them, and with a total disregard of the danger they would run of having their retreat cut off. It was therefore likely that the English would begin by attempting to destroy the defences of the two banks; that the only means of effecting this purpose would be to attack our army; and that they would not be able to resist the shock of the forces destined to attack them at the moment and in the confusion of their landing, which, if delayed, would prove still more difficult.

Every thing shewed the enemy wavering in his plans; misinformed, or mistrustful; confounded at the sight of unforeseen obstacles; spending in reconnoitring, the time which served to increase them, and losing with the opportunity the will of attacking us. His boats employed in sounding the channel of the Scheldt, proved that he was not acquainted with its windings. His gun-boats assailing every night with rockets the batteries erecting at Doel, and in the ruins of the fort of Frederic Henry, did not check the construction of these works, in which we approached to bid him defiance. In a word, although the collected ships at Batz made some offensive demonstrations, they were such as not to announce the transport of landing of any considerable corps of troops, with its artillery, across the arm of a wide river, on a point selected before hand, and defended by an army.

Information, however, founded

on these demonstrations, led us to believe several times, but especially on the 22d of August, that the enemy's intention was really to land; and the Prince of Ponte Corvo announced the approaching attack in the order of the day, as an ordinary event, long expected by the army. Every thing was quiet; but until the 28th of August, bombs and cannon balls thrown by the enemy's gun-boats against the batteries of Doel and Frederic Henry, a fire of musketry against the dikes, vain discharges of artillery, and trifling engagements of outposts, were the only hostilities committed by the English.

When losing, with the hope of an easy victory, the wish of attacking our army, the enemy, if we give credit to the rumours circulated in Zealand, attempted to devise means of sending fire-ships and infernal machines against the booms and the fleet, and closing the Scheldt by sinking into its deepest channels vessels filled with stones, or whole blocks of stone work. We might have entrusted the rapid current of the river with the care of opening new channels for our ships, by removing or destroying these vain obstacles; but measures equally prudent and bold were taken to seize and wreck these floating mines; and our navy, in retaliation, increased the number of its fire-ships, in order to fight the enemy with his own weapons and with offensive means which the number and collection of his vessels would have rendered more destructive.

Convinced at last, that their miserable attempts, after the purposeless display of their expedition, would only draw shame and ridi-

cule upon their arms, the English seemed to intend to carry their land and naval forces to other parts well prepared to oppose them. They threatened at once Holland, the countries of Hulst and Axel, the island of Cadsand, and the coast of Flanders. But on the side of Holland, they would have met General Gratien's division on its return from the north of Germany, and the Dutch population in arms to defend their King, their country, and their allies. In the counties of Hulst, Axel, and Cadsand, an army, created whilst the enemy menaced Antwerp, awaited him under the orders of the Marshal Duke of Cornegliano; and on the same line with that army, the First Inspector of Engineers had put all the towns of Dutch Flanders, and on the coast from Hulst to Newport beyond the reach of danger. Whatever be the point of their attack, the Prince of Ponte Corvo, placed at Antwerp in the centre of the line, could follow and defeat them with his army. Every thing shewed them that France and Holland were capable of repelling their attacks.

The prospect of so many obstacles increased by the sickness prevalent in his army, caused the enemy to prefer the disgrace of a retreat to that of a defeat. His last demonstrations had no other object than to conceal the evacuation of his sick and artillery. The island of Beveland and the fort of Batz were abandoned. As early as the 29th of August, 150 sail, several men of war, frigates, and cutters, had come down to Flushing; a few days after the rest descended the Scheldt. On the 4th of September no sail was seen before Batz, our gun-boats

took possession of that fort, and in a few hours restored it to the Dutch troops belonging to the corps of general Dumonceau.

Such is the result of this grand expedition! In order to diminish the disgrace with which it has been attended, the English will undoubtedly exaggerate the importance of an easy conquest (Flushing.) But Europe will see, by their own acknowledgments, that they have missed the principal end of their expedition. Their allies will reproach them with having sacrificed the advantage of the common cause to their commercial avidity. The wish of adding to their naval force by the capture or destruction of a few ships; the vain hope of shutting a river that rivals the Thames, have established, in their consideration, and in the midst of the great event which took place in Austria and Spain, the interest of their allies. Were not, besides, the national guards, which twenty years ago conquered them under the walls of Dunkirk, equal to the task of defeating their designs? Should Spain be the sooner tranquillized—should Austria hasten the signature of peace, Europe will, this time, owe these blessings to England. To her, France is indebted for the present opportunity of displaying her power against an unexpected attack, and proving that a single call of the Emperor to twenty of his departments, is sufficient to raise in less than a month, one hundred thousand warriors against his enemies, without detaching a man from his armies which were fighting at a distance of seven hundred miles from the point of attack.

OFFICIAL PAPERS, ACCOMPANYING THE REPORT OF M. CHAMPAGNY, SECRETARY OF STATE, TO THE EMPEROR NAPOLEON.

No. I.

Letter from the Count Champagny, to Count de Metternich, Austrian ambassador at Paris.

Bayonne, July 16, 1808.

“ Mr. Ambassador,

“ A Polish officer, Mr. Young, lieutenant of the 2d regiment of Polish infantry, proceeding to Galicia on family affairs, has been arrested, although he was furnished with a passport in every respect regular. Marshal Davoust has three times applied for his release, to count de Neipperg, colonel commandant of the Austrian frontier in Galicia, reminding him that the passport, delivered to Mr. Young, was such as count Neipperg had desired for any of the military entering Galicia, a compliance which induced the hope that all who should have such passports should be free from interruption or vexation. Those complaints, however, have been inefficacious, and Mr. Young, whose papers have been seized, is still under arrest. I am ordered to require of you, sir, his release.

“ It is difficult to make this requisition, without expressing, at the same time, if not complaints, at least regret, at the conduct of the agents of the Austrian government in Galicia, with respect to the duchy of Warsaw. The communications become every day more and more difficult: hereto-

fore the subject has been, with great difficulty, overlooked. The supplies destined for the grand duchy have been interrupted: an excessive rigor has been exercised towards all Frenchmen and the lands they occupy—a rigor such as no other strangers experience; and at a time too, when France has adopted every measure calculated to promote not only the external safety, but the internal tranquillity, of the Austrian provinces. The Austrian government has not experienced the least inquietude respecting the one or the other.

“Can we but be astonished at these new dispositions, and the admission into Trieste of three American vessels, which are so well known to be laden with British merchandize from Malta and England, that no one in that city entertains a doubt on the subject? What are we to think of the noise of war, which originates in Vienna and resounds throughout Germany; of those preparations, which are announced in all the newspapers; of the movements of the troops in Galicia, who are concentrated into a corps d’armée; of similar movements that are announced in Bohemia; in short, what are we to conclude from the levy of a national guard, and at the back of that, the organization of a militia, as if the Austrian monarchy was draining all her resources to strike a great blow, or to secure herself from a great danger? And all this, sir, whilst you know, and your government proclaims, that it is in a state of profound peace; that it is in the most perfect harmony with all its neighbours; that France, in particular, asks nothing, claims nothing belonging to Austria, nor

has any present or distant view calculated to excite the least inquietude. Our surprise is such, that it was impossible for me not to express it, although otherwise it would not have been the subject of the present note, which was intended merely to state a particular fact. Can all this, and we are not willing to believe that it does, originate in a spirit of malevolence! But, however we may doubt, it is difficult not to believe that such a spirit governs the conduct of some agents of your government, who suppose they serve or gratify it, by representing its intentions in a different light from that in which we wish to view them.

“I eagerly embrace every opportunity to offer to your excellency, the assurances,” &c.

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No. II.

Special letter from the Count de Chamfagny, to his excellency Count de Metternich.

“Bayonne, July 16, 1808.

“Sir Count,

“And I, also: I wish to converse with you in a confidential manner, as I am flattered by the overtures which you have made for that purpose. The subjoined note relative to a particular fact, which I am charged to mention to you, affords me an opportunity to express myself relative to the warlike preparations in the Austrian dominions, which are not only announced in all the newspapers, but in the correspondence from all the courts of Germany.

Several of those measures are avowed by your government. They are strongly contrasted with the profound state of peace, as well as the intimate union that exists between all the powers of the continent. I have already said something on the subject, without making it the subject of a special note.

“What do you propose by thus disturbing a great part of Germany? If you desire to maintain peace, and we admit no doubt on that point, why those hostile appearances? One of the blessings of peace is the security it confers; and many of the unhappy wars, that have taken place, originated in the preparations made, often without any intention of commencing war, but which excited apprehensions. I offer, sir, these reflections, to your good disposition, to the uprightness of your views; they originate in the lively desire, with which we are both animated, to maintain a perfect harmony between our governments: such a result, flowing from our common exertion, would be most flattering to me.

“I pray your excellency to accept,” &c.

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No. III.

*Letter from Count de Champagny,
to M. Count de Metternich.*

“Toulouse, July 27, 1808.

“Mr. Ambassador,

“A particular affair afforded me an opportunity to address you briefly respecting the military preparations of your government.

But, when every day gives them more reality and importance, it is my duty to explain myself to you in a manner more explicit, though confidential, until the emperor shall order me to present an official communication on the subject.

“What does your government desire? Why does it disturb the tranquillity of the continent. It not only arms, but takes such extreme measures, as could only be justified by extreme danger. Your princes traverse the provinces, they call on the people to defend the country; the whole population, between the ages of 13 and 45, are put under arms; one part of the militia is called to reinforce the standing army; every thing is in motion in the Austrian monarchy. Your own people, for whose defence you announced the war, are in affright; your neighbours were alarmed at those preparations. It is every where asked—what does Austria want? What enemy threatens her? What danger has she perceived? Why does she seem as if she were on the brink of an abyss, and prepare for combat as if her existence were at stake?

“And, you know, that, far from menacing Austria, we ask nothing but to remain at peace with you, and that you should unite with us against the common enemy; that we make no pretensions to any thing you possess, and that we greatly prize a state of perfect harmony between us. But you must foresee as well as I do, that the preparations of Austria, remarked by all Europe, will have their effects. To this moment the emperor would wish to remain ignorant of them; but notwithstanding, prudence dictates

that he should adopt measures of defence. Particularly charged to watch over the safety of the Rhenish confederation, he will find it necessary to be on his guard; he will call out the contingents; and will himself march his troops from the interior towards the Rhine. On all sides, we shall be under arms: and in such a state of things, a single spark will be sufficient to produce a blaze.

"Does Austria seriously wish for war?—What advantage does she hope for? We are sure she has no aid or countenance to expect from Russia; the aid that England can render, will be very moderate indeed; she will not have an ally on the continent. If she does not intend to make war, why that excessive expense, which drains her finances, which produces such an effect upon her exchange, which threatens the annihilation of her paper credit? Why interrupt the course of her internal prosperity, which begins to be so flourishing? Why give us uneasiness, alarm Europe by the fear of a renewal of the war, and estrange from her the emperor, who will be less disposed to ask her concurrence in the arrangements of Europe? Surely, she will not reproach us, if we take a hostile and menacing attitude; it is a barrier that Austria will raise between France and herself, since France has given every proof of a desire to live with her in the most perfect harmony.

"You, sir, value the preservation of that harmony, and you know that it is not less the object of my wishes. Do all you can, that our wishes may be gratified: enlighten your government as to our dispositions, which surely afford no cause for apprehensions;

and as to the effects of those measures, which your government is advised to adopt. Those who advise you to adopt them are not your true friends: foes to the repose of Europe, they would plunge their country into a long train of evils. I hope that you will be able to prevent them.

"I should esteem myself very happy, should this letter, which I write to you with a freedom, authorised by our particular relations, have the salutary effect of preserving between our governments that happy concord, which their own interests, not less than the interests of Europe, and of humanity, prescribe.

"Accept, &c.

"P. S. Should you, sir, have any doubts of the truth of the facts stated in this letter, I might appeal, not only to an immense number of the letters of our merchants, which all convey apprehensions of seeing Austria engage in war, but the official papers published by your government. For example, I refer you to the proclamation circulated at Trieste, by the archduke John, and the count de Saurau, in which it was said to the inhabitants of Trieste, that, although they were not bound by the laws, to enrol themselves in the militia, it was nevertheless their duty, as good subjects, to obey the call of their sovereign, when individual and public safety, as well as the tranquillity of the hereditary states, required it; and this appeal was made in the same act, in which they were called on to recollect the devotion and fidelity they had often exhibited on former occasions. The remainder of this article, related to such measures

for discipline and military exercises, as a country invaded would prescribe to its inhabitants as the only means for their defence."

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No. IV.

*Note from Count de Metternich to
Count de Champagny.*

"Paris, July 22, 1808.

"The undersigned has received the note, which his excellency the minister for foreign affairs did him the honour to address to him, and which was dated the 16th July.

"He hastened to transmit to his court, the demand in favour of Mr. Young, lieutenant of the 2d regiment of Polish infantry. The fact, that (notwithstanding the regularity of the passports with which that officer was furnished, and which obtained for him admission into Galicia without any difficulty) he was placed under arrest, unfortunately proves to the undersigned that it must have been his personal conduct, which provoked the interference of the police against him. What that conduct was, the undersigned will without doubt hasten to get information of, in order that he may be able to furnish to his excellency M. de Champagny every explanation relative to that affair. The interest which the court of France takes in the case of this individual, is sufficient in every respect to excite that of his imperial, royal, and apostolic majesty.

"The complaints, which appear to have been made in the duchy of Warsaw, respecting the

great difficulty attending different exportations from the Austrian monarchy, can, if really some privations have been experienced, only relate to administrative measures, which the undersigned does not hesitate to declare to be general, and to apply to all the countries bordering on the province, where such measures may have been put into execution. He knows too well the tenor of the instructions given to all the chiefs of the provinces, to admit for a moment the possibility of partial prohibitions or obstacles, being exercised against no other country but that occupied by the French troops. The government of Galicia, besides, has been for too long a time tested, to be suspected in a moment of peace, of a partiality, that never could be imputed to it, even when the flames of war raged on the greater part of our frontiers, and since the proofs of this fact have been pronounced by the emperor Napoleon himself.

"The court of Vienna is far from forgetting the measures taken by France, in the duchy of Warsaw, for establishing tranquillity and harmony with its neighbours; and it were desirable, without doubt, that the same views and sentiments were those, exclusively, which influenced all the authorities and people of that new state. But, without attributing more to those last than they deserve, his imperial, royal, and apostolic majesty will not cease to instruct the administrations of his provinces, to behave towards all his neighbours with the most exact impartiality: and there is no person employed, who ought not on his side to take care to enter completely into the views

of his court, in interpreting its orders in a sense the most strict in favor of places occupied by French troops.

"The undersigned, being equally eager to call the attention of his court to the subject, embraces this occasion, to tender the assurances, &c.

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No. V.

Special letter from count de Metternich to count de Champany.

"Paris, July 22, 1808.

"Your excellency has done perfect justice to my intentions and principles: of this your last special letter has afforded me a flattering proof, and how can I better repay your confidence than by completely gratifying the wishes you have expressed?

"You require explanations relative to the warlike preparations that are announced, not only in the newspapers, but in the correspondence from all the courts of Germany; respecting the noise of war originating in Vienna and resounding throughout the provinces; in short, respecting the measures which have been for some time past developed in the interior of the Austrian monarchy.—There is not one of those points, on which I am not well informed, or on which I would not willingly express myself; I will not, however, separate them: our measures of interior administration have no connections with the rumors of war which circulate Germany and in France.

"The Austrian monarchy finds itself in a position entirely differ-

ent from that, in which these administrative principles are established, according to which it is partly governed. The social institutions have been changed, within the last twenty years, in the greater part of Europe. All the states on this side the Ysonzo, the Inn, and of Bohemia, have become eminently military, all of them have adopted the principles of a conscription, which embraces the whole of the population. The French system of conscription, that institution by which the French empire has been furnished with so many resources, and which the genius of the emperor has developed and applied, is not only put into execution in two thirds of the continent, but forms one of the principal foundations of the social compact in the constitutions of several new states, particularly the kingdom of Westphalia. It is also introducing into the duchy of Warsaw. Bavaria has established a constitution; and the conscription is there extended, contrary to the ideas, which to this day govern the old states of Germany, to the whole people.—All Italy recruits its armies by conscription.

"Austria is one of the first of the states which has determined to complete its armies by conscription: other countries, such as Hungary, &c. were, and yet are, exempt from it: but it was not, nor is it, extended at this time to even the privileged classes of the German provinces. Those exemptions do not form the only point in which consists the great inferiority of our institution compared with that of France: ours is attended with imperfections, that there is no remedy for, since above an eighth

part of our army returns every year to their homes, as the terms for which they serve expire. Our army was filled in a great part by men who joined it from the old German states of the empire; that source is cut off: and the evil is felt more sensibly in proportion as the new institutions are adopted in the rest of Europe.

"The perfect state of quiet, the tranquil and satisfactory relations existing between Austria and all the powers of the continent, pointed out to her the moment when, after fifteen years of war and agitation, she might at last put into execution, the plans conceived and immediately adopted after the peace of Presburg. She began by a reform the most essential for her internal welfare, and the most urgent because she did not anticipate any results until, after a lapse of several years, she could operate upon the great mass of her subjects. She wished to be able to replace the troops leaving her armies, by soldiers better prepared for service and more accustomed to the use of arms and the words of command, so incomprehensible to the greater part of the recruits raised amongst ten different people. She determined upon the formation of reserves, according to the French institutions, organizing them according to the inferiority of our system of conscription, which she did not wish to abandon entirely. The establishment of reserves was besides recommended from financial considerations: adding to the numbers of such corps, as had already attained their military complement, withdrew the people from agriculture, and preyed upon the treasury of the state.

"But all the citizens of France and of its confederated states, are liable to be called to arms, without any distinction or exception. —The inhabitants of the cities or of the country are bound to defend their homes. We also wished to admit the proprietors of the soil and the privileged classes of the nation, to exercise that respectable duty: and we have established in the German provinces a sort of stationary national guard. The constitution of Hungary called, at all times, all classes of society to the defence of the country.

"This is what has been done, and the ordinances published in the months of May and June will explain the whole object of my court. No new corps have been raised; no extraordinary assemblage of troops has taken place, except on the frontiers of Turkey, where the war between two neighbouring powers calls for it as a measure of security. There is no one in the Austrian monarchy, who mistakes either the spirit which actuates the government in taking those measures, or their object. They have the public approbation, because the whole nation regards them as necessary to insure to the country respectable means of defence: and they would accuse the court of an unpardonable neglect, if, in the steps it had taken, it had remained behind those neighbours, who, though to-day in a state of peace, might the next day become its enemies. If some amongst them have been disposed to see, in the reform of ancient institutions, and in measures purely organic, offensive indications, they may be tranquil, for in those measures themselves they will

find the certainty of the preservation of peace. No permanent institution can be considered to possess an offensive character: that state must, from its very nature be confined to temporary efforts; it has no existence whatever with us. The formation of a reserve, to replace soldiers quitting the army, cannot be considered an offensive measure by you, any more than the introduction of a military conscription into the duchy of Warsaw, into Bavaria, and the confederation of the Rhine, can be so regarded by us. The friendship and interest, which attach Austria to France, the imperious necessity we have for peace and the known character of our emperor, insure its duration.

"Your excellency has spoken of reports of war, originating in Vienna, and giving uneasiness to a part of Germany. You relieve me from a heavy burden that my mode of thinking (which only attends to reports of this kind, when I am positively compelled to it) enabled me to sustain for a long time. No, they do not originate in Vienna, but reports of war have arrived at that place, which agitate as well the public, as the court, which, until now attached but little credit to them.

"These are; the French corps who begin to re-assemble in Prussia, and who, in part, have re-assembled in Silesia, where all the generals, officers, and soldiers, without exception, announce an intended entry into Bohemia; the military of the duchy of Warsaw, who speak of, what they wish to be believed, their anticipated entry into Galicia; the German newspapers, under the controul of the confederate states who do not cease to mention ces-

sions which we are said to demand from France, and of negotiations, equally destitute of any foundation or truth. All the reports which his imperial majesty might receive from Paris, would inform him that an early attack upon Austria was spoken of among all classes of the public, spoken of for so long a time, and so directly interrupting the pacific relations between the two courts, that they could not have escaped the vigilance of the government: they would also prove to him my constant anxiety to contradict those false reports. I might furnish proofs of the first of those assertions, from the reports of our military commanders in Bohemia, from those of our civil agents employed on all points of our frontiers, and by letters which I received or which I have seen, from all parts of Germany, all of which have the appearance of correctness respecting the reports circulated by the French and confederate military. The public newspapers above-mentioned, and our own, are in the hands of every body.

"It is several months since I contradicted those rumors, since I pledged myself directly to my court for their falsity, and for the pacific views of the emperor Napoleon, an assurance that cannot have been received with incredulity. If a different interpretation had been given to those reports, the measures which we took would have been those of resistance; but they have been confined to an instruction not to be disturbed by the declarations coming from the French army, and to the preservation of the most perfect tranquillity in the interior of the monarchy.

"It was at the period when those alarms, the first authors of which were entirely unknown to me, became generally prevalent, that, deprived of all confidential communication with the court, by which I was accredited, I expressed to the minister of general police my expectation that some encouraging articles relative to the relations between France and Austria, would arrive to strengthen the arguments of my court and my own; a step, which to the great satisfaction of the former, had all the success which I had a right to expect from a French minister. I notice this fact, because it brings to recollection a circumstance, the object of which was to tranquillize the Austrian people, respecting the alarms excited from abroad.

Your excellency does justice to my court in mentioning its efforts to persuade the whole of Europe, that it is in a state of profound peace, and in perfect harmony with its neighbours; that France in particular demands nothing from it, nor pretends to any thing belonging to it, and that it has no view, present or remote, that should give it the least inquietude. Such is really our state of security; such is the conviction that has so long induced us to disregard, what stock-jobbing furnishes to the injury of the state, the rumors generally circulated in places occupied by French troops, and in the states of the confederation of the Rhine. Otherwise I would not have taken a step, which, if your excellency had been at Paris, would have afforded me a new opportunity to prove to you, that the only desire which animates, is that of maintaining the most perfect har-

mony between our two governments.

"I presume that my note, of this day, relative to the American vessels, will have given all the information that his imperial and royal majesty desired. I shall hasten to communicate to him, the result of the new enquiry, which the emperor has directed, and for which the documents have been forwarded from Trieste to Vienna.

"Your excellency will receive, without doubt, a new denunciation respecting a direct intercourse between Austria and England. An English flag of truce, is arrived at Trieste;—this is a fact, upon which the consul will not be mistaken. Far from hesitating, I am eager to remove confidentially, and beforehand the reports which will be forwarded to Bayonne on this subject. The flag of truce was despatched by admiral Collingwood, in consequence of advices received by the commandant of the British forces in the Mediterranean, of the insurrection in Arragon, and of the proclamation of Palafox: it was charged with a single letter, from the admiral to the archduke Charles; which, referring to what it was supposed his royal highness already knew respecting that proclamation, offered him a frigate to convey him to Spain. The whole of that mission did not merit an answer; the commander of the flag of truce, was told there was no answer for him, and that he must depart without one.

"Proud of the union, which your excellency has proposed to me, of our efforts to maintain harmony between our courts, that

proposition as well as the importance of the subject itself, must be my excuse for the length of this letter. I will never vary or deviate from my principles: nor change my measures. If the former perfectly accord with those of your excellency with regard to the benefit that would result from a state of peace, towards which all my views extend, I have no merit for the latter. Convinced that my sentiments would be the better understood, if fully explained, I have been anxious to say too much rather than too little.

“I embrace this opportunity, with pleasure, to renew, &c.”

METTERNICH.

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No. VI.

*Letter from Count de Cham-
pigny, to Count de Metter-
nich.*

Bordeaux, July 30, 1808.

“Mr. Ambassador,

“I have received your letter of the 22d of July, and as it was not confidential, I conceived that by shewing it to his majesty the emperor, I should not go beyond your intentions. His majesty appeared to me to be so well satisfied with it, as to induce me to think that he would determine to revoke some defensive measures, such as the armaments of places in Silesia which he was about to order. But it becomes me to tell you, with freedom, that at the same time that your letter produced this good effect, a very different impression was created by

letters received at the same time from Munich and particularly from Dresden. What grieves us is not so much what is said of your armaments, as the details of the direction given to the public spirit in the Austrian states. On the banks of the Toplitz, at Carlsbad, at Egra, nothing is breathed but war. One hopes that this is the moment to commence it with success: another says that the Spanish peasants, excited to a fanatic frenzy by their priests, had destroyed the whole French army in Spain, that the French army in Germany does not at the utmost exceed 100000 men; that, that of Italy is insufficient to suppress a new insurrection in Calabria, and to appease the troubles supposed to exist in Dalmatia and the Ionian Isles.

“It was by fables such as these that Prussia was last year induced to adopt a resolution so disastrous for her. The agents of England who precipitated her into total ruin, have the same employment now in Austria; they wish to drag her into measures, the consequences of which cannot be foreseen; to make her raise armaments so enormous that she could not sustain the weight of them, and which would bring on a war by the suspicion excited abroad and by the ferment created within.—The people are told of dangers awaiting them; they are called to the defence of their country; they are put into motion, and they will soon be carried by that motion whithersoever those, who have given the impulse, may think proper to direct them. The wisest men in your monarchy, will not be able to resist the torrent.—The noise of war impru-

dently raised, will not in vain resound within and without—Do you require a proof of the effect? Look at what has taken place at Trieste; see the militia of that city running through the streets, insulting French and Italian travellers, even in the houses; see them assembling to the number of 1500 men around the French consul's house, and insulting him by the most outrageous proposals, and in short renewing the scene exhibited at Vienna in relation to general Bernadotte. Observe the city police, whom I suppose more weak than malevolent, remaining all this time inactive, and in the end endeavoring to extenuate the injuries they did not prevent or repress, much less punish. See how, without intending it, we thus find ourselves on the eve of a war.

“Do you desire another proof? Two French couriers, carrying despatches to Dalmatia, have been stopped and their despatches carried off. The emperor attributes this to nothing but the popular ferment, which your new measures have created.

“Without doubt, sir, Austria had a right to make such a change in her military establishment as she thought proper: but have such changes ever been made in a time of peace with so much precipitation? Was it necessary in April that every thing should be finished by the 1st July, as if at that time war was to commence? To put in a moment, 400,000 men under arms, in addition to the force already composing the standing army; exercise and equip them, as if the danger was imminent and consequently a war inevitable? Could these things be witnessed without suspecting

that Austria had some project in contemplation? It is certain, sir, that, after such an impulse being given to the public opinion, and the ferment it must produce if no step of a contrary character should be taken, war will be inevitable: it will take place in opposition to the wishes of the two emperors, of their ministers, and of all the wise men in both nations.

“You tell me, sir, of fears that have been excited by the formation of camps in the countries occupied by French troops: But do you not know that it is the custom of French armies on foreign duty, and that in certain parts of Italy they remain in camp the whole year? Most certainly the emperor would have ordered those camps to be broken up, if he had an idea that they excited uneasiness. But mark the conduct of the emperor, in other respects. Has he not dismantled the fortresses of Silesia? Has he left a single cannon or grain of corn in one of them? Has he not surrendered Brannau?—Has he taken a single step, that could be considered to originate in hostile views against Austria?

“You speak of the language or purposes of our soldiery, and what do they avail; Has it not ever been the language of soldiers, of all countries? Do they not consider themselves bound in honor to wish for war, and do they not express hopes of a war because they desire it?—If you have any fears, why do you not inform us of them? You have never said a word to me on the subject. At Vienna, not a sentence of the kind has been uttered to general Andreossy.

“Do you wish to be satisfied and at rest with regard to the

dispositions of France?—*Every assurance you can require shall be given.* Do you wish the camps of Silesia to be broken up?—*They shall be broken up.* Do you wish the orders, that have been given to furnish the fortresses of Silesia, to be countermanded?—*They shall be revoked.* Do you wish the provisioning of Palma-Nova to cease?—*It shall be discontinued.* The most solemn and public declarations shall be given you, respecting our sentiments and views, if you desire them. They shall be such, that every idea of an attack from France will be shewn to be evidently ridiculous: But, on your side, stop, recal your measures manifestly hostile and menacing, incompatible with the actual condition of Europe, with the security it is in need of; measures that banish every hope of a general peace, and which are so inconsistent with the character and principles of your emperor.

“You see that we are not deceived by false reports, and wish to remain free from such an infatuation. If you entertain similar dispositions, the intrigues of the agitators of Europe will be soon frustrated and the continent will remain at peace. Either Austria herself desires war, as her armaments indicate, and she will engage in it; or she is led astray by the advice of the enemies of the continent: but in this case, the offers which I have made you, should open her eyes, as they do not leave the least pretext for her immense preparations.

“I wish, sir, a prompt answer to this letter, and I will tell you why: the emperor had no idea of raising any conscripts this year; but, since the whole of the Austrian force is put under arms, he

hesitates, and does not wish the month of August to pass without making a proposition on the subject to the senate. He wishes to be satisfied on this subject. For a long time he has made it a point not to disregard what has the appearance of improbability. He knows how the passions can blind and mislead, and with what facility they are made the sport of men who have been accustomed to agitate the continent by their intrigues. He recollects that Prussia was so much duped as to be made to believe that the French army, actually 300,000 strong, did not exceed 100,000, and although that army was encamped almost within the dependent territories of Prussia. England pushes on the war without cessation, but events will avail her very little; her fate will be decided, as soon as she shall be effectually out-lawed from the continent.

“I have spoken to you of the affair at Trieste. It is useless to require satisfaction from you: the emperor Napoleon believed he might expect from the emperor Francis, such satisfaction as he would have gladly given, had such a scene been witnessed in any place where he had any authority.

“You will, sir, find in this letter that language, at once firm, sincere, and pacific, which I always used to you. It is to you I am always fond of expressing it, to you who have dwelt among us, to you who must well know that the propositions I make to you, for averting the most distant appearances of war, are not dictated by weakness or apprehension. You know our situation, and I can say to M. de Metternich, what it would be useless to say to the

Austrian ambassador. Our grand army is stronger than ever; that and the army of Italy are double what they were in 1805; the troops of the confederation of the Rhine can be speedily re-united, and 60,000 men are now stationed in the interior, at Strasburg, Mayence, and Cassel.—We have reason to believe, therefore, that a war with Austria could not but terminate fortunately for us.

“We do not, then, dread war; but we wish to avoid it. We do not wish for war, because we have no motive for it, we have no end to accomplish, we have no grievance to redress, and we do not desire any thing which Austria possesses; because many political considerations dictate, that it is the interest of France and Austria to preserve the power they now have; in short, we wish for peace, because the emperor wishes to spare the blood of men, it gives him no pleasure to see it, and because he does not wage war from any pleasure that it affords him.

“Stop then, sir, those movements in the Austrian monarchy, that, if continued, will inevitably produce war; they should be stopped by a movement directly opposite: the propositions I make to you afford your government every facility for this end. If, in spite of those pacific offers, if notwithstanding all the steps taken with a desire to remain at peace with your government, war should take place, we will carry it on with the more vigor, since we shall be driven into it, and whatever may be the unhappy consequences they cannot be imputed to us.

“In closing this letter, sir, I have the pleasure to announce to you, that the early return of his majesty to the capital, will enable

me to renew to your excellency the assurances,” &c.

CHAMPAGNY.

No. XI.

Letter from his majesty the emperor of Austria, to his majesty the emperor of the French.

“Presburg, Sept. 18, 1808.

“Sir, my Brother,

“My ambassador at Paris informs me, that your imperial majesty is about to depart for Erfurth, there to meet the emperor Alexander. I seize, with promptitude, the opportunity, which your approach to my frontiers offers, to renew to you the assurances of the friendship and high esteem which I have vowed for you, and I send my lieutenant-general, baron Vincent, to be the bearer of the invariable sentiments which I have thus expressed. I flatter myself that your majesty has never ceased to be convinced of this, and that, if the false interpretations which have been given to the interior institutions organized in my monarchy, have for a moment created any doubts of my perseverance in my intentions, the explanations presented by the count de Metternich on the subject, will have entirely removed them.—The baron de Vincent is also instructed to confirm this to your majesty in detail, and to add all the explanation that can be desired.—I pray you to shew him the same kindness, as that with which you had the goodness to receive him at Paris and at Warsaw. The new marks of fa-

your that you may shew him, will give me an unequivocal proof of the entire reciprocity of those sentiments, and will confirm that entire confidence, which has left no effort untried to give mutual satisfaction.

“Have the goodness to accept the assurance of the unalterable attachment and high consideration, with which I am, sir, my brother, the good brother and friend of your imperial and royal majesty.

“FRANCIS.”

order the troops into quarters, in the manner that has heretofore been followed. I think it is advisable that our ministers at Vienna should be instructed to hold this language—that the camps will be re-organized, and the troops of the confederation and its protector will be placed in a hostile attitude, whenever Austria shall make extraordinary or unusual armaments; and, in fine, that we desire tranquillity and safety.

(Signed) “NAPOLEON.”
Erfurt, Oct. 12, 1808.

No. XII.

Letter from his majesty the emperor Napoleon, to the kings of Bavaria, Saxony, Westphalia, and Wirtemberg, the grand duke of Baden, and prince primate.

“Sir, my Brother,

“Assurances have been given by the court of Vienna, that the militia should be disbanded which were lately raised, and that no other armament should take place calculated to disturb the repose or excite the apprehensions of the Rhenish confederation: the subjoined letter, which I have received from the emperor of Austria, the reiterated assurances given by the baron de Vincent, and, above all, the commencement of the fulfilment of those promises, which has been already witnessed, induce me to inform your majesty, that I believe the tranquillity of the states of the confederation is not in any way threatened, and that your majesty may break up your camps and

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No. XIII.

Letter from his majesty the emperor Napoleon, to his majesty the emperor of Austria.

“Erfurt, Oct. 14, 1808.

“Sir, my Brother,

“I thank your imperial and royal majesty for the letter, which you had the goodness to send me, and which M. the baron de Vincent has delivered. I have never doubted the good intentions of your majesty: but nevertheless feared at one moment, that hostilities were about to be renewed between us.

“There is at Vienna a faction, which affects purity and good intentions, the readier to precipitate your majesty into such violent measures, as would produce misfortunes much greater than those which have heretofore been experienced. It was in my power to dismember the monarchy of your majesty, or at least to render it less powerful—I did not

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wish to do so. Austria is—as I wished it to be. That was the best proof that all accounts between us were closed, and that I desired nothing from her.

I have been always ready to guarantee the integrity of your monarchy. I have never done any thing prejudicial to the primary interests of your state. But your majesty should not now introduce for discussion that, which a war for fifteen years has already determined. You should interdict any measures likely to produce war; the late levy en masse would have produced a war, if I had had the least apprehensions, that that levy, and those preparations were in combination with Russia.

“I have disbanded the troops of the confederation of the Rhine;—One hundred thousand of my troops are preparing to march to Boulogne to renew my purposes upon England. I pray your majesty to abstain from all armaments, that can give me uneasiness, or that should create a diversion in favor of England.

“I hoped, when I had the honour to see your majesty, and when the treaty of Presburg was concluded, that our differences were finally adjusted, and that I might then without hazard or mistrust turn the whole of my attention to a maritime war. Why does your majesty associate with those, who in telling you of the dangers of your monarchy, assail your own honor, as well as that of your family and people. Such men alone are dangerous to you; those only speak of danger who feign to apprehend it.

“By a conduct, honest, frank and open, your majesty, will render your people happy; you will

yourself enjoy the comfort you must stand in need of after so many troubles; and you will be sure to find in me a man determined never to do any thing contrary to your primary interests, when your actions shew a confidence, and they will inspire it. In our days, the best policy is honesty and truth. Tell me your complaints, and if I have power or influence their causes, I will instantly remove them. Let your ministry attend to my words: reflect upon my opinion and sentiments, they are much superior to those of your counsellors.

“I pray, your majesty to read my letter in the disposition with which it is written, and that you will see nothing in it, that has not for its object, the peace and welfare of Europe and of your majesty.

NAPOLÉON.”

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No. XIV.

Report of M. count de Champagny, to his majesty the emperor.

“Paris, March 3, 1809.

“Sire:—

I have the honor to submit to your majesty, a minute of a conversation, which I had to-day, with the ambassador of the court of Vienna.

“I beg your majesty to accept the assurance of the respect, with which I am, &c.

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The ambassador of Austria called on the minister to-day, March

2, and at three o'clock entered his cabinet, where the following conversation took place.

"*Ambassador.* Count, I am come to announce to you the arrival of the count de Mier: he has been nine days on his journey from Vienna to Paris. He found the road covered with snow and with troops. I am authorized to inform you, that the next courier will bring me the answer of my court, to the different notes you have addressed to me, respecting the Italian officer insulted at Trieste; and the violence committed upon an inhabitant of Udina. His majesty, the emperor, my master, ordered enquiries to be made on those points the result of which had not yet been known at Vienna.

"*Minister.* I hope, Mr. Ambassador, that your court will also announce the stoppage of those measures, against which I regret to have been obliged to complain to you so often.

"*Ambassador.* I have also received orders from my court, to inform your excellency, that, as I had foreseen, the return of his majesty, the emperor Napoleon, to Paris, the orders given to the princes of the confederation of the Rhine, and lastly, several articles inserted in the French and German newspapers, have given to my court just uneasiness, and that it considered itself bound to organize for war those troops, which, until now, had remained on the peace establishment. But the emperor, my master, always animated by the same sentiments, takes this measure, only because he is compelled to take it, and still entertains pacific dispositions towards France.

"*Minister.* Then you mean to

make war upon us, Mr. Ambassador?

"*Ambassador.* If we wished to make war, we would not have waited a moment; before the month of January, our troops would have been upon the Rhine.

"*Minister.* That would not have been so easy, M. de Metternich; the means we now have to oppose you, existed in January.

"*Ambassador.* But the emperor was in Spain.

"*Minister.* Yes, but in 1805 you were at Ulm, when he was at Boulogne, and he did not arrive too late—is not this true? If you march your troops, 'twill be because the English faction has the lead at Vienna; they pretend to be alarmed, in order to seduce and ensnare your emperor. Those who govern every thing, who direct your affairs, do not appear or shew themselves; if they did, matters would be differently situated. How does it happen that you are more alarmed now, than you were in the month of August last? The emperor was not then in Spain; he then covered all Germany with his troops; he occupied in your rear, Silesia and the duchy of Warsaw; the troops of the Rhenish confederation were encamped; and, yet, you remained tranquil. You wished to wait for events; you actually feigned uneasiness; you seemed to be alarmed at the emperor's return, as if he were always to remain in Spain; you complain of the advice given to the princes of the Rhenish confederation, as if that advice, rendered necessary by the continuation of your armaments, had any other object than to hold themselves in readiness; and you now announce that you are about to march your troops? Not a man

belonging to France or its allies, has stirred. If you have not made war upon the emperor, you have removed the security of peace; you have hastened his return; you have prevented him from pursuing the English in person, and cutting off their retreat by sea; you have retarded the expeditions intended against England; the troops that were on their march for Toulon and Boulogne, were ordered to halt at Lyons and Metz, in consequence of your threats:—you have served England. Shall I say any thing further to you of the ferment agitating the Austrian states? Of the spirit excited against France? Of the insults given at Trieste to French and Italian officers? Of the assassination of our couriers, so long unpunished? Of the publications in the Presburg gazette? Of the falsehoods circulated respecting Spain? Of the reception given at Trieste to the officers of the Spanish frigate, despatched by the insurgents? Of M. Cervalos's libel, so extensively circulated at Vienna?

“*Ambassador*: That pamphlet, sir, was sent to me from Munich.

“*Minister*: Could it not have come from Vienna? Besides, the book was sold at Vienna, sold by permission of the police: I saw the public advertisement stating it among the number of the books permitted to be sold. I proceed—above all, your agents have shewn themselves to be enemies of France. I will shew you extracts from a correspondence, that will exhibit the conduct of your internuncio at Constantinople, and of your consul in Bosnia.

“*Ambassador*: But have we

not on our part, complained of M. de la Tour-Maubourg, who, I may say, declared war between France and Austria, by breaking off all communication between the ministers of the French and their allies, and the Austrians?

“*Minister*: What should M. de la Maubourg have done? Promoted the triumph of the English? Truly, that would have been rather too complaisant—Such, then are the grievances we have to allege against you, and yet you know how pacific our conduct has been. Have we made a single demand of your court, that could militate in the least against your interests? Have we said a word, of which you can complain? You have circulated a report that we demanded Trieste, Flume and Croatia.

“*Ambassador*: 'Twas in the German gazette, that, that was published.

“*Minister*: But by order of your cabinet, and according to letters received at Vienna from Presburg; it was printed in Austria also, and, if it was so easy to dissuade your people, have you said a word on that subject?

“*Ambassador*: But here, could we not have spoken of it? If the emperor really was uneasy respecting what are termed our *armaments*, why, instead of saying nothing to me, and of calling out the troops of the confederation, did he not speak to me? They might probably have been explained and understood.

“*Minister*: And what purpose would this have served? What did similar steps, taken for above six months, effect? The emperor no longer spoke to you, sir, because when he did speak it

was in vain, because you lost in his estimation, by faithless promises, all the credit due to the character of ambassador.—Recollect, you promised your military measures should be stopped; that the exercises of the militia should cease with the fine weather; that the acknowledgment of king Joseph should be made without any difficulty; and all these promises were made on the authority of your court. Besides: I will answer in one word; the emperor considered himself bound to be reserved to a minister, who may be said to have been disavowed by his government, and who was besides considered as the author of several statements which facts contradicted: the emperor has not called out a single man of the Rhenish confederation: the order to hold themselves in readiness is very different from that ordering them to march, which you have said was given. The troops, that were on the Mourthe and Soane, are there yet, not one of them has stirred.

“*Ambassador*: But one part of those promises was performed, there has been no addition to the military organization.

“*Minister*: Every thing has been done to give uneasiness.

“*Ambassador*: I do not believe that the exercises were continued during the winter.

Minister: At Trieste the militia were exercised in the old theatre.

“*Ambassador*: If king Joseph has not been acknowledged, it must be attributed to the conference at Erfurt. Most certainly, if the emperor had desired to admit the emperor my master, to the conference, or if he had merely allowed me to go as I propo-

sed, the recognition would have been made. My master has not made the acknowledgment; because that conference excited suspicion; because Russia intervened, because its language, far from being friendly gave offence; because the junction of two great powers, whose views and resolutions were entirely unknown, created a belief that the affair, of the acknowledgment of king Joseph, was connected with other arrangements, the nature of which there seemed to be room for exaggerating.

“*Minister*: Your promise was absolute: it was made when the conference of Erfurt was foreseen, it was made in return for a promise of France to evacuate Silesia, a promise which was fulfilled. Besides, the result of the conference of Erfurt was known to you: You know very well it was not directed against you:—Why then have you not made the acknowledgment?

“*Ambassador*: But general Andreossy rejected the conditional acknowledgment which we offered. Besides, if we have not made the acknowledgment, we have declared we would maintain amicable relations with king Joseph as king of Spain.

“*Minister*: Mr. Ambassador I fear you have not deceived yourself: those terms are not in the answer of your court. Was it, by having the libels of the insurgents printed; was it in quitting Madrid and in following the insurgents; that your charge-des-affairs proved that he had orders to be the friend of king Joseph. Besides, what did France and Russia expect by requiring that acknowledgment? To facilitate peace with England—to deprive

that power of any chance of troubling the continent; and by that means, to give the whole world a peace, of which it is so much in want. You have disappointed us; you have adopted the language, and undertaken the defence of England. You publicly announced that you were arming; your gazettes, usually so circumspect, have been filled with the grossest London libels: peace with England has not taken place; she triumphs at Constantinople, to see you recurring to war. What do you expect?

"*Ambassador*: Really, that when our troops abandon a state of peace in which they have been placed, the difference between that state and the one they are about to enter, will be seen.

"*Minister*: The effect of nine month's preparation will be seen. Do you really imagine they will be able to make any impression or make us tremble? Once more I repeat, the emperor, who requires nothing of you but that you should yourselves, and permit others to enjoy the security of peace, does not wish for war; but he will wage it if you compel him to do so: he has not given you the slightest pretext. I will give him an account of the communication you have made. I know not how far your measures will carry you; should war take place it will be, because you desired it.

"*Ambassador*: (As he was departing)—I will never speak of myself—but you know how I have been treated in the circles of the court. I have heard that the emperor has complained of the treatment, which his ambassador experienced at Vienna. I protest, that, to the very last moment,

general Andreossy was honorably treated by the emperor my master.

"*Minister*: You know, Mr. Ambassador, that he had not the rank established at court. The emperor does not complain of M. Metternich; but he could no longer place so much confidence in a minister, whose own court contradicted his statements, as he had done prior to that event: your court alone, in refusing to execute your promises, lowered the dignity of your character." Paris, March 2, 1809.

SUPPLEMENT.

The communication, which was made to the senate on the 15th of April, was confined to the official papers accompanying the report of the minister for foreign affairs, on the subject of the aggressions of Austria. But there exists other documents not less important, and equally necessary to explain the injustice and violence of the measures taken by that power. Austria anticipated the war by the most odious violations of the rights of nations. On the 17th March, a French officer, carrying despatches from M. Dodun, French charge des affaires at Vienna, was arrested at Brannau, a frontier city of Austria, his despatches forcibly seized and sent to Vienna. When his majesty was informed of this transaction, by a letter from M. Otto, which the minister for foreign affairs laid before him, (see No. 1.) he directed a retaliation: an Austrian courier from Vienna was arrested at Nancy, and his despatches were seized—these con-

sisted of official and private letters of M. Stadion, in rough draughts, to which, and in private letters, the declaration of the 27th March was added. It will be seen, from the subjoined despatch, (No. 2,) that the court of Vienna rejected the proposal of Russia to guarantee its possessions, a measure which France suggested as most proper to tranquillize Austria, if Austria desired tranquillity : and that she rejected it upon pretexts the most futile and injurious to Russia, the weakness of the guaranty, and the apprehension of involving the power giving it. Thus her bad faith exposed itself by the pretexts she employed to conceal her designs.

In the same despatch, M. de Metternich is directed not to demand his passports, until he should hear of the commencement of hostilities, and then to present the declaration of the 27th March. That declaration is not a declaration of war, it was not wished that it should be so considered, since M. Metternich was forbidden to demand his passports, although the war was positively determined upon, and orders for its commencement actually given ; and those hostilities were accordingly commenced before the Austrian courier, stopped at Nancy, could have reached Paris with the declaration of the 27th March. Thus Austria began the war without declaring it ; she commenced hostilities, when her ambassador was at Paris, enjoying all the honours of his station, and treated as the representative of a friendly power. She herself debased her minister, by making him the instrument of her perfidy, and by instructing him to make the most

peaceful assurances on the part of his master, at the very moment when he was required by France to account for the French blood already spilled on the frontiers.

On the 10th of April, the Austrian generals, on the Inn, on the Isonzo, and in Dalmatia, made known to the French or allied head-quarters, distant from 20 to 30 leagues, that they had orders to advance, and treat as enemies all who should oppose them ; and, at the same moment they attacked the advanced posts, 24 hours before their notice could have reached the different French head-quarters, thus gaining the great glory of killing some soldiers who were reposing in the confidence of peace. Military laws, those of honour, prescribed that there should be some day's notice : and thus would have been enjoyed all that nations are agreed to regard, regulations that form the basis of the mutual relations, and such as even savages respect as sacred.

Among the private letters, there is one addressed to M. Metternich, which we publish, (No. 7.) It shews what means are employed to mislead public men and make them forget their duty, it shews the dangers of that spirit of intrigue, which, taking the place of real national spirit, and to which it is even opposed, is only strong when the government is feeble, and ruins it when it appears to guide it.

The minister for foreign affairs, being informed of the order given to the minister of police to stop the Austrian courier, refused a passport for one which M. Metternich wished to send. This was an arrangement which was prepared for that minister ; but M. Metter-

nich found means to despatch a courier, who was stopped at Châlons. He carried, among other despatches in cypher, that which follows, (No. 8.) Metternich announces in it the departure of the king of Spain from Madrid, this he states on the 27th March, a little before the victory of Ucles, in a moment of prosperity for Spain. What then would he have written at a moment less propitious? Thus it was that the emperor of Austria was to be deceived and induced to embark in a war, ruinous to his country. He was promised the conquest of a part of Italy and Germany; people already promised themselves shares in the spoil; and intendants were already nominated to administer the provinces that were to be conquered. Private passions and hatred created these illusions, and formed these devastating and absurd plans. Such are the men, in whose hands the fate and interests of nations are placed.

Sovereigns would perform an act of great wisdom, if they would warn all those in whom they confide, that they should be responsible for all the misfortunes that might be produced by their cupidity or ambition, and for all the evil effects of the false representations of those appointed to give correct information; and if they would make this responsibility something more than an unmeaning word.

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No. 1.

Letter from M. Otto (counsellor of state, minister plenipotentiary and extraordinary, of his impe-

rial and royal majesty, to his majesty the king of Bavaria) to M. count de Champlagny, minister of foreign affairs.

"Munich, March 19, 1809.

"My Lord,

"I hasten to inform your excellency, of an outrage against the rights of nations, which appears to me interesting in the highest degree, to the honour and dignity of the emperor.

"This event furnishes a new evidence of the ascendancy of the English faction, which for the last six months has directed all the affairs of the court of Vienna.

"I had the honour to make known to you the alarm excited at Munich, not only by the armaments of Austria, but by the hostile views avowed by the authors of the war at Vienna. My colleague, at the court of Saxony, will without doubt have informed you to the same effect from Dresden; alarms of the same description prevail throughout all the states of the Rhenish confederation. All the relations of those states are interrupted, their subjects as well as the French, are maltreated at Vienna, and the frontiers of the Inn are covered with Austrian troops.

"Although I had no expectation of it, at the epoch in which we live, and after the circumstances in which Austria was placed a few years ago, when the emperor, who was master of her fate, shewed her so much generosity, we see that power committing an act almost as contrary to the rights of nations, as the horrible assassination at Rastadt.

"On the 15th of this month, M. Dodun, secretary to the ambassador of France, and charge des affairs of his majesty at Vienna, sent his despatches for me, containing probably, as usual, his correspondence with your excellency, and with his imperial highness, the viceroy of Italy, by a French officer who left Vienna.

"That officer was followed, as he believes, from the moment of his departure, by officers of the police from Vienna. Arrived at the frontier city of Brannau, although clothed in his uniform and furnished with the passports not only of the French legation, but with those of the regency of Vienna, he was forcibly seized and shut up in a barn; his carriage was seized, his trunks were opened, all his effects searched; and he experienced all such ill-usage as several subjects of the allies of France, Italians and Germans, met with at Trieste.

"Amongst the first despatches which were taken from this officer, was a private letter which M. Dodun wrote to me, and which was sealed with the seal of the embassy: it was one of the first which the Austrian commissioners opened; they remarked that it mentioned two large packets, which the charge des affairs of France had confided to the French officer to be delivered to me.—They had not yet found those packets, and it was for them in all probability they were searching: they demanded of the officer the delivery of those packets, and on his refusal they made further examinations, and found them in his port folio. The officer did not cease to warn the Austrian commissaries, of the consequences of their conduct: he repre-

sented to them that the despatches were those of an accredited diplomatic agent, that the seals of the packets were those of the French embassy; that they were addressed to a minister of France, and enclosed despatches from the French legation at Vienna to its government; that the proof of what those packets contained, was to be found in the letter of M. Dodun, which they had read; that they were violating the rights of nations, and wounding the honour of the French government and nation, in a point the most delicate and sensible to sovereigns and people; that, in short, this action, which even the existence of war could not justify, would be tantamount to an act of hostility. The resistance and representations of the French officer being useless, the Austrian commissaries seized the packets and dared to break open the seals of the covers. They had the insolence to give as a pretext, that it was proper those packets should go by post, and they said they should be so forwarded—but the despatches were not transmitted, an Austrian courier has arrived, but has not brought them. It is probable that they have been sent to Vienna to be there examined. I send your excellency a part of the cover, which the French officer collected after the despatches had been taken out, and which yet bears my address, with the seal of the embassy of France.

"After such an act, I consider M. Dodun as in private confinement, or in a state of detention at Vienna, and that it is my duty not to forward to him the packets of of your excellency's correspondence, which the last couriers from France brought me.

"I should be greatly mortified at this outrage upon my government, if Providence had not given it all the disposition and ability to enforce an ample and solemn reparation.

"The notification, which M. de Metternich made to your majesty, in announcing that the armies of Austria were placed on a war footing; the resolution taken in consequence by his majesty to place the troops of the Rhenish confederation on a war footing, and to unite his army, to check the reiterated provocations of the court of Vienna; and the last notes which your excellency has transmitted, have all been communicated to the court of Munich: but the astonishment of the king and of his ministers was extreme, when in a passage of a note from the ambassador of Austria, they read the assertion that no subject for dispute or discussion had existed between the two governments since the treaty, which caused the evacuation of Brannau by the French troops. So violent a provocation, without the shadow of a motive or appearance of a pretext, cannot be conceived.

"The event that has just taken place, and which without doubt will be followed by many others of the same kind, will convince Europe of the perseverance of the English faction in their efforts to disturb the continent, and dig a new pit under the Austrian monarchy. Convinced of the good faith and moderation of France, the princes, people, and armies of the confederation are filled with the most lively ardour. His majesty has only to shew himself to repel the most unjust, inconsiderate, and foolish aggression."

No. 2.

*Letter from M. count de Stadion,
to M. count de Metternich.*

"Sir, Count,

"Count Francis de Pully arrived on the 25th with your despatches of the 16th of this month.

"Your report reached us at the moment we were preparing to send you the subjoined despatch. His majesty directs you to send, with an accompanying note signed by your own hand, the enclosed declaration, to the minister for foreign affairs. It is my duty to inform you that this declaration will also be communicated to the court of St. Petersburg, and in course to the other foreign courts.

"The official note, which M. Champagny addressed to you on the 10th of this month, has not induced us to make any alteration in this declaration, because, far from satisfying us on any of the objects which guided his conduct, that note only tends to represent our relations with the court of France in a false light, to misrepresent facts, and to allege new complaints against us for which there is no foundation. The answer you made on the 12th of March, to that note, can only be considered as a confidential and personal letter addressed to M. Champagny; and in a moment so important, it is for this court to reply to a paper, which without doubt will be carefully circulated in all courts friendly to France. To this end your excellency will transmit, by order of his majesty, to M. Champagny, the note also subjoined, at the same time that you will deliver the aforesaid declaration.

"We were bound to notice in our answer the insidious tendency of the note of the minister for foreign affairs, without entering into a detailed relation, and we have entirely omitted to notice the comments made in the different conversations you have had, because if discussed in an official note they would have increased the heat of our diplomatic communications with the French cabinet.

"Those comments, or to speak more properly, those vague propositions of a guaranty of Austria, respecting which we never have been able to obtain a more precise explanation, were not to be fulfilled but when Austria should abandon her defensive measures, and reduce her military force, at the same time that France declared its resolution to keep troops in Germany, and to maintain its own armies and those of the Rhenish confederation, in an offensive attitude towards Austria.

"The court of Vienna could only recognize in those overtures, a reiterated acknowledgment of hostile views and intentions on the part of the cabinet of the Thuilleries, contrary to the dignity and independence of the Austrian monarchy. His imperial majesty is besides the more unwilling to rest his security upon plausible promises, which would expose him to the consequences of events, since the experience of late years has shewn how often pacific professions, made at the head of French armies, have in reality had no other object than to effect the purpose for which they were intended—submission without reserve to the

wishes of the cabinet of the Thuilleries.

"That part of the proposition, which M. Champagny applies to the court of St. Petersburg, respecting the guaranty which it seems to offer the court of Austria, besides involving the tranquillity of the Russian empire, could then add nothing to the security of the Austrian states. Exposed without defence to the first aggression of France and its allies, without any means within herself to resist an invasion always in readiness, Austria could not appeal to the friendship and promises of the emperor Alexander, until after the enemy's troops had lodged themselves in the centre of her states; and she would be overthrown before the stipulated succour could arrive. To accept the guaranty would be involving the generous guarantee in her own ruin, to associate with Russia would be injurious and not useful.

"I wished to give these observations, and I leave to your own judgment the manner in which they can best be used, either in conference with M. Champagny or with prince Kourakin, who without doubt is informed of the late conversations that have taken place between you and the minister for foreign affairs.

"It does not seem proper that you should demand your passports, at the same time that you present these papers. If you are permitted to despatch a courier, and are permitted to remain in tranquillity at Paris, you are not to leave it until hostilities shall have commenced. But your conduct in this respect should be left to your own judgment, since in-

cidents may take place to induce you to hasten your departure, or a prolonged stay at Paris may expose you.

"I think it right to inform your excellency, that, after the violent measures which the king of Wirtemberg directed to be taken against such of his subjects as are in the service of the emperor, or reside in Austria, it will not be prudent for you to pass through the states of the king, and that it will be necessary for you to direct your course by Mayence and Frankfort. As for the rest, as we did not stop general Andreossi, when he quitted Vienna under the pretext of being recalled, the members of the embassy that remain here, must answer for your safety, and for any obstacles that may be opposed to your arrival on the frontiers of Austria.

"I have the honour to be, &c.

(Signed) "STADION."

Vienna, March 31, 1809.

No. 3.

Note, presented by M. de Metternich to the minister for foreign affairs.

"The undersigned, ambassador of his majesty the emperor of Austria, near his majesty the emperor of the French and king of Italy, having received the subjoined declaration, dated at Vienna the 27th March last, with orders to present it to the French government, has the honour to send it to M. count de Champagny, minister for foreign affairs: and he embraces the opportunity to renew to his excellency the

assurance of his high consideration.

No. 4.

Note to be presented by M. de Metternich to the minister for foreign affairs.

"The undersigned ambassador, having transmitted to the court of Vienna, the note which his excellency the minister for foreign affairs did him the honour to address to him on the 10th of the month of March, has received from Vienna an order dated the 27th of the same month, to make the following answer:

"His imperial majesty expected, and he does not hesitate to say, he hoped to find in that communication such pacific declarations as would explain and not be inconsistent with the movements and direction of the French armies, and of those of the Rhenish confederation, towards the frontiers of Austria.—He hoped that the French government had determined to quiet the alarms and prevent the dangers, which it had excited in Germany, not only by putting into activity, since the beginning of January, 30,000 conscripts, whose destination against Austria was announced in the sitting of the 11th September, but still more by the orders for arming addressed from Valladolid to the princes of the Rhenish confederation, and lastly, by the assembling of French and confederated troops which immediately followed in the month of February last.

"But, to his great regret, the emperor has been convinced by

reading the paper of the 10th March, that, far from wishing to permit Germany and Austria to remain in a state of tranquillity and true peace, the cabinet of the Thuilleries had no other objects in writing that despatch than to misrepresent the late events, to derange dates, and pervert circumstances, for the purpose of misleading the public judgment. Those recent events and circumstances have nevertheless been undeniably established; they are established by public notoriety, by the acts themselves of the French government, and there is no one who is not able to decide whether it is France or Austria, which has produced and is producing the agitation of Europe.

"The note of the 10th March being answered in the expose which the undersigned has been ordered to send the French minister, his imperial majesty does not hesitate entirely to accord with the contents of the said declaration of the 27th of the same month.

"The undersigned, in performing the duty enjoined on him by his court, has the honor, at the same time, to renew to his excellency the minister for foreign affairs, the assurances of his highest consideration.

"Vienna, March 30, 1809.

No. 5.

Note to M. Count de Metternich, ambassador at Paris.

"Sir, Count,

"The king of Wirtemberg, on the demand of the minister of

France resident at his court, has declared the sequestration of all property belonging to persons, in the service of any power not attached to the Rhenish confederation, or resident out of the states of that confederation, who shall not return within the space of four weeks. He has gone farther, and announced that all such property will be confiscated within that time. In the mandatory letters addressed to persons in the military service of his majesty, a menace is added that, if they should be taken with arms in their hands, they shall be judged in military form as rebels.

"Our august master is preparing to direct the utmost retaliation against such violent measures. Considering, besides, the menace given to our soldiery in a moment of peace, as an actual rupture, he has given orders to his minister at Stutgard to demand his passports, and immediately quit that capital.

"I have the honor to be, &c.

"STADION."

"Vienna, March 31, 1809.

No. 6.

Private letter from count Stadion, to count Metternich.

"The courier which should have departed some days ago, was stopped, my dear count, owing to several circumstances, and lastly, to the receipt of the despatches which you entrusted to the Russian courier, and which we yesterday received. I have added to what I had already written, because at the point we have

now reached, there are no new instructions to be given, and because you can yourself conceive how entirely we agree with the different sentiments you have expressed in those despatches. Every thing else I defer, until I shall have the pleasure to see you.

"Your bills shall be accepted, and every thing else that may be necessary for the arrangement of your affairs, on leaving Paris, shall be equally honored.

"After leaving Paris, you should early as possible reach the place where the emperor may be. I fear that madame Metternich will be uncomfortably situated at Ochtenhausen; I suppose she will be there in the midst of military movements; and then our sire of Stutgard has so little amicability, that I would not answer but that he would worry her in more than one way.

"Adieu, dear count: there are so many points upon which I dare no longer write to you, that I really cannot fill the second page. I shall be happy to meet you.

"STADION."

No. 7.

To Count Metternich, at Paris.

Vienna, March 25, 1809.

"More couriers! Indeed you are generous without bounds: you do not wish to attack your enemy without giving them time to be prepared, and surely it will not be your fault, if they should not be able to resist you. The German character is by so much too slow as

it is unsuitable. I believe that politics, in these times, depend solely upon cannon, and that the more we delay, the more resistance we prepare. You cannot doubt, my friend the interest which I take in the fate of a country to which you belong.

"I observe, with grief, that the public enthusiasm diminishes. I fear we cannot expect its duration. Do you, then, drive on, for nothing decisive will ever be done here. They have absolutely that sort of courage of a woman who lies down: to seize every thing, N——has done no injury: they should have fifteen years to prepare, and at least as much to say—we are ready."

No. 8.

Count de Metternich to count de Stadion.

Paris, March 27, 1809.

"The last news from Spain does not seem to be pleasing to the court of the Thuilleries. Several checks, which the French troops have had, are spoken of. The news of the entrance of the advanced guard of marshal Soult into Lisbon is not confirmed: it is said they are not beyond the Minho. From 30 to 35000 English have been landed at Cadiz.—An army of about 60000 men, under the command of Cuesta and duke del Infantado, are marching for Toledo. This last circumstance appears to have contributed to the departure of the king from Madrid.

"It is so difficult to obtain here correct information respect-

ing affairs beyond the Pyrenees, that I found my calculations more upon the contradictory statements of the public papers, and upon the silence which the government observes, than upon the mere reports in circulation. It is impossible to admit that no military operations are taking place in Spain. We shall have bulletins, if there is any news to be given.

"The diseases, which ravage the interior of the kingdom, have been communicated to several provinces in the middle of France, by the Spanish prisoners, and the sick of the French army already fill the hospitals of those provinces. The court sent a commission, composed of ten or twelve physicians of Paris, to learn the true state of things.—That commission returned a few days ago, and pointed out measures for stopping the malady, or at least for checking and confining it. Apprehensions justly prevail, respecting the warm weather, which is beginning just as this sickness prevails in the interior of the Peninsula.

"Count Fuentes, a prisoner in Saragossa from the first moments of the insurrection, and delivered by the French army, has died of a malignant fever at the headquarters of the duke of Abrantes, (Junot). The most strict inspection continues to be maintained over the correspondence between Spain and the neighbouring provinces."

—
No. 9.

Paris, March 27, 1809.

"An event of a very singular

nature occupies the attention of the capital. Last Thursday, a valet-de-chambre of the emperor, preceding or accompanying his majesty in his study, at his palace of the Elysium, discovered a man concealed, according to some, under a piece of furniture, according to others, behind a window curtain. Being seized and examined, an iron mounted stick and a candle were found upon him. This man, it is said, introduced himself by removing a pane of glass out of a window opposite the garden. It is said he did not answer a single question put to him; and no one supposes but that he is mad.

"Such is what appears the most plausible of all the representations on this subject. I am far from being willing to warrant any of the rumours I have had the honor to mention to your excellency."

—
Paris, August 17, 1809.

CONSERVATIVE SENATE.

On the 14th, his serene highness the prince arch-chancellor of the empire, repaired to the senate, which was presided by count Germain Garnier, senator and annual president. His serene highness was accompanied by his excellency the minister of war; their serene highnesses the prince arch treasurer, and the prince vice grand elector, were present at the sitting, as was also his excellency the minister of general police.

"The prince arch-chancellor delivered the following speech:

"Gentlemen,

When the emperor was setting off, in order to avenge the faith of treaties, which was violated by Austria, his majesty ordered the proper measures to be taken for defending the territory of the empire against any attacks from the exterior.—He particularly depended on that generous energy which is the characteristic of the nation, and which will always make the inhabitants fly to arms when they are menaced in their homes.

"A great expedition was, however, preparing in the ports of England. Whether it was that the object of our perpetual enemy was determined, or that he had changed his intention upon receiving the account of the signature of the armistice, he successively presented himself at different points of the northern coast of France, and he effected a landing in the island of Walcheren, upon the Dutch territory.

"Upon the first accounts of this attempt being received, the minister of war developed the zeal and activity which the nation had a right to expect from one of the principal depositaries of the emperor's confidence.

"Detachments of the national guards have been called into actual service, regular troops have been put in motion, trains of artillery have been sent towards the Dutch frontiers, and also officers of engineers, in order to take advantage of all the positions which are susceptible of being fortified. Every where have the orders been either voluntarily anticipated or eagerly executed.

"Circular letters which were sent by the minister of general police, have redoubled the activi-

ty of the public functionaries and accelerated the success of the different missions which were confided to them.

"The minister of marine, being animated with the same spirit, has given similar instructions to the chief officers of the fleet.—Every thing possible to be foreseen has been foreseen by him.

"In fine, all have labored in concert with one another in order to secure the defence of Antwerp.

"By the effect of these different measures, the details of which you will the more easily comprehend, after having heard read the report of the minister of war, the enemy, being continually kept in check, has not been able to penetrate into the territory of the empire.

"His majesty has vouchsafed to approve the measures which have been taken; he has prescribed others which are now preparing to be executed, and which, at the same time that they provide for the wants of the moment, will also establish security for the future. They have essentially for their object to call national guards into actual service, in the divisions which surround the menaced arrondissements. These levies are to be under the command of generals who are already distinguished by their services, and who have received the worthy reward of them, in taking their seat among you.

"You know it, gentlemen, in every circumstance, the emperor takes a pleasure in communicating with the senate, and the public weal has always reaped the greatest advantages from it.

"It is for the same reason that I come now to inform you of all

that has been done since the landing of the English, and to be assisted with your influence in regard to what remains to be done.

"Your wise resolves will fulfil the double object, of conveying to the prince the expression of the devotedness of his people, and of enlightening the subjects of his majesty upon this occasion, with regard to the constant solicitude of which they are the object.

"You will be convinced, gentlemen, of how much importance it is to the nation to repel by the only means which we have in our hands, the enemy who presumes to menace it. That enemy would have obtained a kind of success, if, by a rash diversion, he had succeeded in causing our banners to fall back from the limits at which they have been placed by victory. Let him know that the course of the destinies of France cannot be interrupted by vain efforts! that even when Europe is covered by our armies, a most warlike population, is only waiting for the first signal to offer more soldiers to the country.

"Thus, gentlemen, the fury of the English is constantly giving us notice of our resources; every attempt on their part develops and confirms the reciprocal sentiments of confidence and love which unite the prince and the nation. I am very certain, gentlemen, that, in this conjuncture, the senate will be eager to justify by their opinion, that of the public which is already so favourably disposed, and will give a fresh testimony of their zeal for the sacred person of our august sovereign, and for the glory of the French name."

His excellency, the president of the senate, in the name of the

assembly, answered the prince arch-chancellor, that the senate had heard with the highest interest, the communications which had just been made to them; that they considered them as an additional proof of the wisdom of his serene highness, and of the zeal with which he is constantly animated for the welfare of the state and for his majesty's service, that after having heard the details which were going to be given by the minister of war, they would take these communications into consideration.

His excellency, count Hunebourg, minister of war, having then demanded permission to speak, read the report which was announced in the speech of the prince arch-chancellor:

Report of his excellency count Hunebourg (Clarke) minister of war, to the council called by his excellency the prince arch-chancellor of the empire, duke of Parma, &c. on the 14th August, 1809.

Monseigneur,

When the immense warlike preparations of Austria called the emperor to Germany, his majesty had no occasion to withdraw his troops from Spain in order to fight other enemies; those which he had wisely kept in Germany, added to part of the fresh levies which were ordered at that time and to the troops of the confederation of the Rhine, were sufficient for conquering Austria in ever memorable battles, and to induce that power to endeavour to find her safety in an armistice demanded by her, and in the hopes of

peace which that armistice has produced.

Before leaving France, the emperor, whose paternal solicitude for his subjects foresees every thing, organized different corps of reserve upon several points of his empire. His majesty disposed them in such a manner as to prevent the French territory from being insulted, and so as to enable part of the new levies which had been exercised during several months, added to the veterans, rapidly to repair to the points of the empire which might be menaced.

But scarcely was the news of the armistice, which was granted by the emperor to Austria, known in London, when England, who had been preparing a considerable expedition, intended, no doubt, to augment her forces in Portugal and Spain, and to repair the losses which she had just suffered, suddenly determined to throw this expedition, not upon the French territory, which she did not venture to attack, but upon the Dutch territory, where the cowardice, or perhaps the treason of a chief, a foreigner to that nation and to ours, reserved for him a momentary success which, without that circumstance, would have been, as it were, impossible.

It cannot be doubted that the principal object of England was to oppose by a diversion the continental peace of which she stands in dread, and which she has so long prevented, and to endeavour to destroy our maritime establishments at Antwerp, our fleets in the Scheldt, and the navy of our allies.

On the 29th of July, the English expedition arrived off the is-

lands of Walcheren and Cadsand; the troops, after having sustained a very considerable loss from the attack of one of our brigades upon their landing at the north point of Walcheren, took possession of Middleburg, and of Tervere, which made a defence of thirty hours, and very soon afterwards, of the island of South Beveland, in which the important fort of Batz had been abandoned three hours before the enemy appeared.

As soon as this news reached me, I despatched, agreeably to what had been prescribed to me by the emperor before his departure, all the necessary orders for the arrival of reinforcements at the points which were menaced by the enemy; in less than three days upwards of twenty thousand men, under the orders of the senator general Rampon; were drawn up on that part of the Scheldt which separates Holland from the French empire, whilst the senator-general St. Susanne was at Boulogne menaced in vain, and prepared to repel the enemy.

Since which, these forces have increased and are daily increasing.

The garrison of Flushing advanced out of the fortress; they defended and they continue to defend the approaches to it; they received a reinforcement of several thousand men, who boldly crossed the Scheldt within sight of the enemy, and even passed through his fleet, without his being able to obstruct their passage.

The imperial battery of the island of Cadsand, that of Napoleon carried destruction among the English ships which had presumed to attempt the passage of the Scheldt between Flushing and Breskens, forced the enemy

to respect that passage and to seek another on the side of Zealand.

The forts of Lillo and of Liefkenshoek, which cross their fire on the Scheldt before Antwerp, defend the approaches to the port and to the dock-yards of that important city, which has long excited the jealousy of the English. The means of defence of these forts has been augmented.

The van-guard of the army of the north has arrived at the Scheldt; its forces are already considerable, and even exceed in number those which it is supposed the enemy has. On the side of Bergen-op-Zoom, our troops are joining the army, which is commanded by his majesty the king of Holland in person, whilst on the left they are assembling along the Scheldt, from Antwerp to the island of Cadsand, and thus are covering our northern frontier. The English have not yet set their foot upon the French territory.

But new convoys of vessels coming from the ports of England, announce that the enemy is assembling in the eastern Scheldt all the forces which he has been able to collect, in order to vanquish, by his obstinacy and by fresh efforts, the obstacles which have kept him in check in the islands of Zealand.

It might be asked what the English hope to obtain from their efforts? will they take Flushing? that fortress is in a good state of defence; will they seize upon the squadron? the dispositions skilfully executed by the admiral who commands the fleet, have allowed him to take a position before Antwerp, which unite the means of the land and sea for the de-

fence of that town; but if the English had any successes, they might retard peace, violate our territory, and essentially hurt our allies, whose cause is our own.

His majesty the emperor and king is persuaded that after having made his arms be respected in all parts of the world, the French will not let themselves be insulted in their own country, during his absence, by 25 or 30 thousand Englishmen.

Under these circumstances, the emperor has confided to the marshal prince of Ponte-Corvo (Bernadotte) the command of the new army of the North: and he has confided that of the two corps of observation which are at this moment forming at Wesel and at Lisle to the marshal duke of Valmy (Kellerman) and to the marshal duke of Conogliano (Bessieres).

This situation of things too nearly interests the national honor not to lay upon us the obligation of repairing and momentarily calling into the ranks of the army of the North, numerous corps of grenadiers and rangers of the national guards of some departments, to co-operate in repelling far from the French territory and in driving from Holland the enemy's bands.

Several departments are naturally called upon to take part in this expedition, although the nearest to the frontiers, such as the departments of the North, of the Pan-de-Calais and of the Lys, have seemed to claim this honor for themselves alone, if we may judge from the extreme eagerness which they have displayed in organizing the cohorts of their national guards, and in conveying them to the menaced frontier.

The department of the North has already sent to the banks of the Scheldt several thousand grenadiers and rangers of the national guards, and companies of volunteer cannoniers who heretofore so gloriously defended the fortress of Lisle against the impotent efforts of the enemy. The department of the Pas-de-Calais and that of the Lys have done the same.

The enemy will no doubt shudder when he sees so many troops come from different points of the empire, ready to fight him with determined resolution, and to surround him if he should dare to set foot upon the French territory; the eagerness of the whole nation against their eternal enemy will doubtless for ever wrest from the English the hope of succeeding in such enterprises, and will perhaps put a curb upon their hatred against the French people by the impossibility of ever satisfying it.

The minister of war,

COUNT OF HUNEBOURG.

The reading of this report being terminated, the senate immediately appointed a committee of five members, charged to make as soon as possible a report concerning the object of the communications made to the senate by the prince arch-chancellor.

This committee was formed of the senators Lacépède, Serrurier, Germain-Garnier, Laplace and Fouché.

The senate adjourned the report of their committee to the next day.

On the 15th at ten o'clock in the morning, the senate again

met. The senator Lacépède, the organ of the committee, appointed in the sitting of the 14th, proposed to the assembly to proclaim the sentiments of the French people by an address to be presented to his majesty the emperor and king.

This proposition having been adopted by the senate, the reporter in consequence submitted to the assembly a project of an address, which was in like manner adopted, in the following terms :

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Extract of the registers of the conservative senate, of Tuesday 15th of August 1809.

The conservative senate, assembled to the number of members prescribed by the XC article of the act of the constitutions of the 22d Frimaire, year 8 :

Deliberating upon the communications which were made to them by his serene highness the prince arch-chancellor of the empire, in the sitting of the 14th, of this month :

After having heard the report of their special committee, appointed in the same sitting ;

Decree, that upon the object of the said communications, there shall be made to his majesty the emperor and king, an address of the following tenor :

“ *Sire—*

The prince arch chancellor of the empire has just made known to the senate the military events of which Zealand is this moment the theatre ; and your majesty's minister of war has just communicated to us the report which he

made to the council of ministers, presided by his serene highness, concerning these events.

"The enemy of the repose of Europe has landed his troops upon two islands of Zealand. The cry of war directly resounded upon the French shores. All the neighboring departments answered this cry, which for the French was always the cry of victory, and the brave national guards flew from all sides to avenge the violation of the territory of a neighboring and allied nation.

"Under these memorable circumstances, sire, the senate, who share in so lively a manner all the sentiments of the French people, have need of expressing them to your majesty.

"Let all hopes vanish upon the banks of Thames. Never will a more noble enthusiasm have animated the French people.

"Your majesty, sire, (the brave fellows of the interior of the empire, conjure you,) your majesty will not withdraw from the banks of the Danube, nor from those of the Tagus, any of those invincible legions which have so often had the happiness of fighting before your majesty's eyes, and nothing will delay the moment so much desired by you, when the olive of peace will rise above your triumphant eagles.

"Wherever there are Frenchmen, there will be an army; and wherever they receive the signal of combat, the genius of your majesty will animate them, because they every where experience the same devotedness, the same admiration for your majesty.

"They who, being more distant from the new fields of glory which victory is preparing in the name of honor, of the country

and of Napoleon, cannot reach the enemy's cohorts without crossing a great part of your empire, will feel no other pain than the fear of arriving only to crown their brothers with the civic and military laurel.

"Hands will not be wanting to hurl those dreadful thunderbolts which your majesty's exalted foresight had caused to be prepared along the whole coast of your empire.

"The wisdom of the prince depositary of your confidence, the devotedness of your ministers, and the zeal of all the civil and military chiefs, have seconded these generous movements.

"These veterans of glory, who long sighed at not following your majesty to the midst of battles, are going to direct by their experience the warlike flight of your young Frenchmen. They will show them the noble palms with which your majesty has covered their noble scars.

"Illustrious generals, chosen by your majesty, and filled with your spirit, march at their head.

"Seven senators share this shining honor.

"Your ships of the Scheldt, protected by formidable batteries, and protecting them in their turn, double the barrier of iron and fire, which bounds the shores bordering upon Zealand.

"The Dutch nation, whose territory is attacked, is raising with pride its ancient banners which call to mind so many grand exploits of the valorous Batavians; and your august brother, who reigns over them, is at their head.

"All advance under the irresistible influence, present in all places, of the greatest of heroes;

the English will soon be driven back to their ships.

"Ah! if we could cease to listen for a moment to the voice of humanity, with what ardor we should wish that their cohorts, daring to remove from the waves destined to favor their approaching flight, would advance upon the sacred land of the French! no Englishman would again behold the roof of his family.

"The wrecks of their arms, Sire, will be the trophies with which the French people will ornament those numerous triumphal arches which their gratitude is going to raise along the triumphal road of the greatest of commanders and of the most beloved of sovereigns, returning from the fields of Austria at the head of his immortal armies, and causing victory to proclaim the peace of the continent.

"Vouchsafe, sire, to receive with benevolence, the fresh homage of the respect, devotedness and fidelity of the senate.

The president and secretaries,

G. GARNIER, Pres't.

SEMONVILLE, } Sec'rys.
HERWIN, }

(Seen and sealed)

The chancellor of the senate,

COUNT LAPLACE.

AUSTRIAN MANIFESTO AGAINST FRANCE.

"Though the Presburg Treaty of Peace bore, in all its essential articles, the stamp of those unhappy circumstances which imposed upon his imperial Majesty the duty of rendering every other consideration subordinate to the

momentary necessities of his monarchy, yet in the execution of this treaty the severe conscientiousness was not to be mistaken, with which his Majesty has ever been anxious to discharge obligations once incurred.

"The articles which imposed upon Austria severe sacrifices, and painful renunciations, were executed without reserve or limitation; while those which were inserted for the alleviation of Austria were either not at all carried into effect, or only after arbitrary and disadvantageous alterations; or at the close of fatiguing negotiations, and, in part only, at the expense of new sacrifices.

"Scarcely one of the conditions of his treaty, which affected the interests of the Emperor's court, his princes, or his subjects, was fulfilled to the full extent, within the period prescribed, and to the real satisfaction of the parties.

"Neither his Imperial Highness the Archduke, then Elector of Saltzburg, nor his Imperial Highness the Grand Master of the German order, obtained the full enjoyment of the possessions or revenues assigned them.

"His Royal Highness the Archduke, then Landgrave of Breisgau, was according to the express terms of the treaty, to receive an indemnity of the full value of the lands and revenues he had lost. Every attempt to realise this precise engagement, in any way, remained without effect. It even appeared, in the course of frequently renewed negotiations that the French Cabinet had at no time the intention of compensating his Royal Highness, even in part; and the Ministers of his Imperial Majesty were forced

more than once, to endure the mortification of seeing the just demands of the Princes of the Imperial House, treated as objects which merited no serious consideration.

“ A like fate was reserved for every complaint which was made concerning the violated interests of his majesty's subjects or revenues. From the day of the exchange of the articles of peace, no further contributions were to be raised, and all arrears of military requisitions were to be discharged by the payment of 40,000,000 francs. The payment was made, but the hoped-for alleviation did not take place. On the one hand, new and oppressive requisitions for the support of the French army were made, because the French magazines were suddenly found empty which had been lately richly filled at the expense of the country. On the other hand, a number of valuable objects, the undoubted property of his majesty ; lying in various of the ceded provinces were yielded to the new passports of them, for a consideration ascertained by express treaty ; and this remained unpaid. The loss sustained by these two articles amounted to 24,000,000 florins. All endeavors to procure satisfaction for this, were in vain.

“ Nevertheless his Imperial majesty would have endeavoured to forget this loss and these affronts, however painful, could the great end of peace, purchased by such great sacrifices, have been attained. To devote himself in uninterrupted repose to the welfare of his people—to provide for the success of the interior administration, and divert fresh

dangers by suitable measures of defence ; this was the wish, this the just expectation of his majesty. To frustrate this pacific plan by all means, has been, from the conclusion of the Presburg peace to the present moment, the undeviating effort of the French government.

“ Before any articles stipulated in favour of Austria were carried into execution by France, his Imperial majesty found himself involved in unpleasant discussions by demands of a very questionable kind. In order to facilitate the military communication between Venice and the provinces on the opposite coast of the Adriatic sea, an uninterrupted march for the French troops was required through the Imperial dominions, and this not for the moment only, but to be confirmed by a formal convention as a permanent arrangement. The weightiest objections, derived partly from former relations towards the republic of Venice, which had never obtained or required this prerogative—partly from the condition of these maritime provinces, by no means well supplied with provisions—partly from the danger of occasioning neighbouring states to make like demands—were opposed to this proposal : they obtained neither a reply nor even a hearing. The will of the emperor Napoleon, which had been already intimated—the intimation that more serious evils might occur, if this were not readily endured—the threat to renew the war, and proceed at once to take possession of the frontier provinces ; these were the unanswerable arguments before which every remonstrance was to give way. As

in that, so in all later discussions, no others were ever urged by the French Cabinet.

"A fertile source of unpleasant embarrassments was soon after opened by the unexpected appearance of a Russian fleet, which had seized the harbor and territory of Cattaro. The delay of the French plenipotentiaries, in taking possession of this territory within the period assigned by treaty, was the sole cause of the intervening occurrence, and Austria was forced to suffer for their negligence. It was in vain that every thing was done to convince the French Cabinet, that how little soever his Imperial majesty could be answerable for this accident, he would do yet every thing in his power to convince, by every becoming measure, the perfect purity of his designs, and the wish to fulfil even this stipulation of the treaty with literal exactness—it was in vain that the required convention for the right of passage was assented to and concluded; it was in vain on the tumultuous entreaties of France, the Austrian seaports were shut against the Russian and English flag—a measure which struck a deep wound into the reviving commerce, the consequent internal prosperity, and into the finances of the monarchy: it was in vain that troops were sent out in order, in common with the French, to effect the surrender of Cattaro.—No notice was taken of either of these steps. The Austrian territory on the right bank of the Isonzo, which ought to have been yielded up by the French troops within two months of the exchange of the ratifications of peace, not only continued in their possession, but was even

formally organized and considered as French property; the fortress of Brannau was not delivered up. But, what was more offensive than all the rest, the great French army prolonged their abode in Germany and incessantly threatened the frontiers of the monarchy from the side of Bavaria and Franconia.

"The procrastinated delivery up of Cattaro was but an insignificant pretence for this highly vexations proceeding. But what at the same time was taking place in Germany, furnished a clue to the real motives.

"The Presburg treaty had introduced important changes in the possessions of several princes of the empire of the south of Germany. Nevertheless, in this treaty the former Constitution of the empire was not merely maintained in silence, but even expressly confirmed. The title of "Emperor of Germany," was without any scruple or objection admitted into the treaty of peace; and the recognition of the royal title in the Houses of Bavaria and Wirtemberg stipulated with the express addition that the bond which had united these princes to the German Imperial Confederation, should not be considered as broken by the new prerogatives granted them.

"In the mean while, under the veil of secrecy, the probably long fostered plan of utterly annihilating the Imperial Constitution had grown to maturity at Paris—A considerable number of the greater and smaller German Princes had offered their concurrence to this plan. Without giving the slightest previous intimation of so important an event to the legal

head of the empire, the Princes who were under French authority, or French influence, on a sudden burst asunder the bond to which were joined so many of the most sacred rights of the Sovereign and the subject, and constituted the emperor Napoleon their chief, under the title of a protector. It was only at the moment of a public notification of this proceeding that his majesty was informed that "henceforth the emperor Napoleon would know nothing of the existence of an emperor of Germany and a German Constitution." In order to give greater effect to this declaration, recourse was had to all those menacing expressions, which had hitherto undeviatingly accompanied every measure of the French cabinet, with redoubled emphasis, and under circumstances which his majesty would gladly bury in oblivion.

"No doubt could be entertained of the import and purpose of this proceeding; and the consequences to be expected from it were too palpable to need the occurrence of a mournful experience before they could be fully surveyed. His majesty was at once aware of the lamentable fate prepared for all Germany; he was at once aware of the augmented and pressed danger which arose to the Austrian hereditary dominions, from a system which placed all adjoining countries in immediate dependence upon France.

—No one could have disputed with the emperor the right to protect himself against the introduction of such a system, by the utmost resistance.—But however powerful the motives might be which appeared to invite his majesty to the assertion of this

right, a consideration which preponderated over all of them, decided him to observe an opposite conduct.—The immediate preservation of the Austrian monarchy was the emperor's first and holiest duty; and on the mournful concurrence of events which had taken place, this was become the common interest of all regents and nations which had not altogether and forever renounced the felicity of independent existence. In the situation of the emperor at that epoch, to have set the existence of Austria on a throw would have been a manifest contradiction to what his majesty owed to himself and his faithful subjects, and would besides, have broken in upon all the prospects and hopes of redemption entertained by all fellow sufferers with himself.

"His majesty thought himself so much the more entitled to adopt as the basis of his policy, a system of a temporary renunciation of all resistance which might compromise the repose of the monarchy at so dangerous a moment, as the earlier history and uniformly consistent character of his Government must forever absolve his majesty from the suspicion of considering exclusively his private interest, and indulging a selfish indifference to the welfare of neighboring states. What the emperor had done, during a long series of years, to oppose a barrier against the torrent of universal ruin which had been rushing in, was known, what had frustrated his efforts was not less notorious. Now it was of moment to yield to necessity. An insulted and untimely resistance would have been then as assuredly and essentially calamitous to

Austria, Germany and Europe, as at an earlier period the inactivity of other Powers, and their deplorable system of separation.

" His majesty therefore resolved to prevent all useless and painful discussions of a subject, the bearings of which were, besides, subject to no doubt. This resolution was facilitated by the unqualified subserviency and subjection which appeared to promote, on all sides, the success of so violent a revolution, through the silence of all other powers, and especially the marked indifference with which a considerable part of Germany beheld the destruction of the ancient institutions. To be compelled to maintain by arms, a crown which had been entrusted to him by the legal election of the imperial states, which had been worn with glory for centuries by his illustrious ancestors, for the protection and welfare of the empire, would under less oppressive circumstances, have put the dignity and sensibility of his majesty to a painful trial. He laid down this crown.

" It might have been believed that so important a step would at least not have failed to improve his relations towards France.— But the state of things remained the same. None of the outstanding conditions of the peace were performed; every attempt to procure their execution was answered with reproaches and threats. Far from any way taking into the account all that Austria had done for the maintenance of peace, the French cabinet seemed on the contrary, resolved to avail itself of every proof she had given of moderation and submission, as a basis and step to make still se-

verer demands; and it is hard to determine whither this constant and hostile irritation might, even then have led, in spite of all the efforts of his majesty, if the breaking out of a war with Prussia had not occasioned a necessary pause.

" His majesty could not possibly behold with indifference, the progress and issue of this war. The fate which had befallen the Prussian monarchy, and the royal house of its sovereign, was in itself severe enough to awaken the liveliest sympathy; and the easily calculated consequences of this event affected the interests of the Austrian states on so many and such critical points, that the gloomiest apprehensions for the future appeared to be justified on all sides. To take a share in such a conflict at any other period would, from the most urgent and laudable motives, have been his duty; but now, motives to which all others were forced to yield, had imposed the necessity of following a contrary system; and his majesty with the same firmness, with which he had been able to yield up his own prerogatives and own advantages, now renounced that higher satisfaction which the application of his resources in behalf of his neighbors would have afforded him. At all times hostile to an ambiguous and insincere policy, he did not, in this situation of things permit himself to maintain a false or half neutrality; and the strictness with which from the beginning of the war he adhered to this resolution, forced the emperor Napoleon to become the unwilling eulogist of it.

" Peace took place, without the interference of his majesty, though the mediation he had

not long before proposed to the belligerent powers merited a reciprocal attention. The conditions were by no means of a kind to appease or merely mitigate the earlier formed apprehension of the emperor. But as his majesty, invariable in his peaceful projects had made no resistance to the changes in the government effected at Naples and in Holland, he has also accommodated himself to those which had been settled at Tilsit. It would have been in vain for him to attempt deceiving himself concerning the fearful and dangerous extent of the advantages which were secured to the emperor Napoleon by the Tilsit peace; and yet, contemplated in a certain point of view, it seemed as if the very extent of these advantages afforded some prospect of repose by the gratification of certain desires, which it was easy to see would follow. If this glimmering of hope vanished but too soon, he cannot at least be reproached by the French government, with having attended to it for a moment.

"In the mean while all the subterfuges which had been employed to delay the execution of the treaty of Presburg from time to time till October in the year 1808, lost even their ostensible meeting.—The evacuation of certain points of the Austrian territory possessed by the French troops could not with decency be any longer postponed. A negotiation was begun. The fortress of Brunnau was given back. The possessions on the right bank of the Isonzo were lost. Under the arbitrary denomination of an exchange, the earldom of Mount Falcone, on the left bank of that

river, was ceded to Austria, as an indemnity; but this had not a tenth part of the actual value of what was to be given back on the conclusion of peace.

"It soon appeared that even this shadow of moderation, this half-return to friendly relations, was but the introduction to new embarrassments and the most oppressive demands. The emperor Napoleon had resolved that his war with England should be the concern of the whole continent, his hatred of the British government, the inheritance of all sovereigns and nations; and the oppression, which, in order to injure England, he had laid upon the industry and trade of every country which his troops or his decrees could reach, should be the line to be adopted by all states. Under the pretence of not having rendered sufficient homage to this unheard-of system, a few months after the Tilsit peace, the House of Braganza was driven from the throne of Portugal! At the same time a distinct proposal was made to his imperial majesty utterly to abandon all connections with England; and the choice between such a resolution and an immediate war with France was the intimation which accompanied this proposal, without any further modification or mitigation.

"Though under the circumstances of the moment, and the measures already forced upon his majesty in the year 1806, concerning the exclusion of the British flag from his ports, and by means of the entire blockade which the emperor Napoleon had ordered of the continental harbours, the commerce of the Austrian dominions was already in a high degree crippled and destroy-

ed; nevertheless, the step now required gave the evil its utmost extension, and, in fact, the effects became too soon visible to their full extent.—Considered from a higher point of view, the sacrifice which his majesty on this occasion, made for the maintenance of peace was of no small importance. It broke the bonds which had hitherto connected the common interests of the European states; it impeded every reciprocal communication; it lessened the means of defence possessed by the greater states, and completed the abject condition of the smaller; and in as far as motives of personal hostility, with which Austria had nothing in common, co-operated, it could not but be more sensibly felt by the emperor. When this sacrifice was to be offered up, his majesty felt still more acutely than before, how difficult it would be to fix any external limit to his pacific submissiveness opposed to the ever-growing pretensions of the French cabinet.

“Soon after this negociation, the restless ambition of this cabinet manifested itself in a new shape, apparently less hostile to Austria. Proposals were made to his majesty which respected the dissolution and partition of a great adjoining empire. The palpable injustice of such an enterprise (which made a stronger impression upon his majesty, because the very cabinet which had made the proposal, had hitherto suffered no opportunity to pass by without declaring that the preservation and integrity of that empire was one of the fundamental maxims of its political system) would have been quite sufficient to restrain the emperor from giving

his approbation to it; but besides this, a sound policy and the true interest of his monarchy would never have allowed him to take a share in it. The proffered increase of territory would have been, at best, an illusive gain to his majesty; on the other hand, the only sure consequence would have been, the introduction of a French army into the interior of his states. And what the consequence of this latter circumstance might have been, was exhibited on another theatre of French policy, with fearful and warning perspicuity.

“The transactions beyond the Pyrenees, by which a dynasty, closely connected by family bonds with the Austrian house was robbed of the throne and freedom, would, without any personal reference, have deeply affected his imperial majesty. Not less would his majesty have been touched and afflicted by the unmerited fate of a noble and high-minded nation, which, at one blow, deprived of their dearest blessings, their independence, their constitution, their laws and their princes, had no other than the desperate resource remaining of a glorious resistance. But the circumstances by which this shocking catastrophe had been prepared and occasioned added to its natural effect. For twelve years had the Spanish court, in order to purchase from a formidable neighbour, if not friendship, at least forbearance, sacrificed its resources, treasure, troops, fleets and colonies. The will of the emperor Napoleon was as omnipotent in Spain as in France. But instead of this excess of subserviency availing to save what alone was remaining to it—an independent

name, internal security, and domestic peace—this court found rather, in its mistaken endeavours to obtain repose, the immediate source of its ruin. His imperial majesty had also declined no sacrifice for the maintenance and assurance of peace; only one boundary he had not overstepped. He had at all times carefully maintained the dignity of his throne, and the right of leaving no means unemployed for its defence. That when *that* is trifled with, and this is neglected, nothing can withhold the state from ruin, the fate of Spain has confirmed by a frightful and warning experience. In the then situation of Austria, such an example could not fail of its effect; an army of 200,000 men envired the monarchy, and waited but for the signal of attack.—The conquest of the Western States being thus completed by that of Spain and Portugal, and the principle that every thing is just and lawful, which the interest of the emperor of France required, being openly avowed in this act of outrageous violence, and without reserve proclaimed in the official papers of the Government; and that restless love of dominion, for which Europe seemed hardly large enough, having on no account found its limit; nothing was more natural than the expectation, that the next mortal blow would be aimed at Austria. The apprehensions and the pre-sentiments of the world were in concord with such an expectation.

“What at the same time was taking place in Italy, gave new force to these threatening omens. That broad circle of dominion which at one time was donoted under the name of the “*New Federal System* ;” at another, un-

der the more expressive appellation of the “*Great Empire*,” had long embraced the whole of the Italian States. This was not enough. The subjugation was to go into the detail—was to be more immediate and complete. The Pope had, in the sense of his duty, resisted a series of pretensions which would have wounded the dignity of the head of the Church, and his ancient rights as a Sovereign. In an instant every thing was disregarded, which reverence for his sublime person, and esteem for the greater part of Christendom, which beheld in him a common father, appeared to prescribe even to unsparing violence. The provinces were taken away, which remained to the Pope after earlier encroachments. Rome itself became the seat of a military prefecture, and it could not be concealed from the world, that his Holiness endured in his own capital, the fate of a state prisoner. The provinces belonging to the church, as well as the principalities of Parma and Placenza, and the kingdom of Etruria, which France herself had erected, and now suddenly and tyrannically destroyed, were incorporated either with France or the kingdom of Italy; and Austria learnt on this occasion, by a solemn oration in the French Senate, that “*it is the will of the Emperor Napoleon that “THE WHOLE COAST OF THE MEDITERRANEAN AND ADRIATIC SEA be united with the French territory, or with that of the GREAT EMPIRE.”*

To rely under such circumstances, upon the uninterrupted continuance of peace however strong the resolution might be to do the utmost to obtain it, would have been obvious infatuation.

From day to day the necessity might occur of vindicating the independence of the monarchy from pretensions utterly inadmissible, or from immediate attack: from day to day the approximation of this critical moment became more apparent. If there were means of averting this, they could be found only in the adoption of a perfect system of defence—only in a military constitution which might set bounds as effectual as possible to the hope of subjugating the monarchy with ease. In this sense and with this design alone, did his majesty adopt those measures which were to lay a broader foundation for the reinforcement and completion of his army. The enlightened patriotism of his faithful subjects promoted the success of those measures. Every mind was impressed with the conviction that his majesty sought nothing but well guaranteed repose; that nothing was more foreign from his breast than a longing after war: and that inevitable necessity alone could induce him to demand new sacrifices from his people.—The paternal regulations of the emperor were every where carried into execution, with a confidence honorable alike to the government and the citizen.

“The true character of these measures could be mistaken or misinterpreted by foreign powers, only in case they were before resolved to deny Austria the right of self-preservation. Every thing which was established at that period remained within the strictest limits of a just system of defence. It was confined to the organization and completion of the military powers of the nation;—and so much the less rea-

son was there to apprehend that this could give offence to any State, as similar, and far more extensive establishments had been made for several years before, and were every day making not only in France, but in other adjoining countries. The kingdom was surrounded by foreign armies, who were put upon a war establishment, and every moment ready to march. The Austrian troops were on the peace establishment: they were dispersed in their ordinary garrisons, and no where collected together. A position exciting less suspicion, and giving less alarm, could not well be expected from a great state.

“Even on the part of the French cabinet there was no reason to expect complaint; as his majesty on every occasion which presented itself, gave proof of his unshaken adherence to the pacific system he had hitherto followed. While, to avoid unpleasant discussions, his majesty maintained an uninterrupted silence on some very essential matters of complaint—while, by virtue of an arbitrary decree, more than eight Austrian vessels had been taken by French cruizers (a procedure which afforded no very promising prognostic of the freedom of the sea); the Austrian court was incessantly engaged in repelling from itself and its subordinate agents the fancied or feigned accusations which were brought forward by restless French agents, principally at Trieste. Not one of these accusations could be verified. They were all victoriously refuted. His majesty, did not however, rest here. In order to close a source of groundless, yet ever returning complaints, and at the

same time give the French government a proof of readiness which even anticipated its desires, and which as the emperor flattered himself, would allow no doubt to arise concerning his real sentiments, his majesty did not hesitate, how severely soever this farther restriction upon the last remains of commerce would be felt in his maritime provinces, to shut his harbors (though not required to do so) against the flag of the North American states.

"But nothing now had the power to induce France to estimate more justly the conduct of his majesty. The steps which his majesty had taken to secure the existence and independence of his states, in case of a nearer approaching danger, passed in the eyes of the emperor Napoleon for so many unwarrantable attempts to counteract the plans which had long been prepared, and were to determine the future destiny of this kingdom. These steps were treated as hostile movements against France. The most anxious endeavours of the Austrian minister to set this matter in a proper light were without effect. Their explanations were not worthy of any attention. The French cabinet intimated in an official note of the 30th of July, 1808—*"War is inevitable unless the military movements made throughout the Austrian monarchy be succeeded by measures of a directly contrary tendency;"* and this also, after the same note had immediately before expressed, *"The French army in Germany, as well as in Italy, is twice as strong as it was in 1805, independently of the troops of the confederation."* From that day war was to be considered as declared. The language then

held was never retracted. At Paris, Bayonne, and Erfurth, it remained unalterably the same. If in the mean while, events occurred which held the French armies engaged on other points, this could be considered only as a compulsory postponement of actual hostilities. The resolution was embraced to bring the point to decision as soon as possible. The relations between Austria and France had taken a certain direction; and an essential change in those relations was for this reason impossible—that the condition of peace imposed by the emperor Napoleon was of such a character that it could not be even a subject of deliberation.

"Already in the month of August, steps were taken which caused an immediate rupture to be apprehended. The German Princes dependent upon France were called upon to furnish troops even beyond their contingents, to collect them together into camps and to be every day prepared to march. That, which with intentional perversity was called *"the Armaments of Austria,"* was assigned as the reason for these measures. The French armies themselves made movements, the direction and object of which were for a long time veiled in obscurity. During several weeks, the strongest apprehensions were raised on different points of the Austrian frontier, and numerous French agents, from Lisbon to Constantinople, already announced the speedy ruin of this monarchy.

"The tempest, however, dispersed for a time. But not to suffer the moment to pass away without profiting from it, the French cabinet required the immediate

and unconditional recognition of the French Prince who had been nominated King of Spain, amid the most determined resistance of the Spanish nation. The price set upon this recognition, was the removal of the French troops from the hitherto closely environed frontiers of Austria to a somewhat more remote, but not less dangerous time, that he was indebted for the altered position of the French troops, merely to the necessity of employing them on another theatre, and by no means, from consideration for Austria. The unconditional recognition of the new king of Spain was, under these circumstances, no indispensable procedure ; and since, moreover, the most weighty objections to this measure presented themselves on all sides, his majesty thought himself justified in not carrying it into effect. But even in the negotiations on this proposal, his majesty evinced, with a clearness which could not be mistaken, his invariable desire to avoid whatever could give the French government just reason for dissatisfaction.

"The residence of the emperor Napoleon in Erfurth cast a new, and no very joyous light over the real state of things. What was mentioned there, what was required from him amid the most vehement threats, was to be considered as nothing but a commentary upon the declaration of the 30th of July. Far from relinquishing either the substance or the form of that declaration, the emperor Napoleon on the contrary boasted, that, as a proof of extraordinary forbearance, and at the same time as an especial complaisance to the friendly mediation

of an independent sovereign, *he has HITHERTO spared Austria.*"

"The campaign in Spain led to a pause of some months; but no sooner did the emperor Napoleon believe, that to a certain degree he had assured himself of the conquest of that unhappy country, than the storm burst forth against Austria with renewed violence. It was from the interior of Spain that the first command issued for the armament of Germany. The Emperor's return to Paris was the signal for the most detestable lampoons, in which the pretended designs, the past calamities, the present external and internal condition, and even the most illustrious persons of the Austrian house, were treated at one time with derision, and at another time with bitterness ; and no means were left unemploy'd to alienate the esteem and confidence of his people from the Sovereign, his servants and system of Government. Chance alone could not have caused these articles to appear in every public paper simultaneously. It was impossible to mistake their origin. At the same time, the German Princes under the influence of France were occupied in putting their collective military power in a state of preparation. All the French troops which remained in Germany and Italy assembled at several principal points ; and it was no further to be doubted that the long determined attack upon Austria was delayed only till the arrival of fresh reinforcements ; and when possibly the threatening preparations made might have a disheartening influence upon the counsels of the Austrian Cabinet.

" His Imperial majesty had laboured with sincere and indefatigable perseverance for the maintenance of peace. He had during 3 long years, submitted to many severe and unjust demands of the French Cabinet, without giving utterance to a single complaint. He had brought a long series of costly sacrifices to his longing wishes for repose. He had even at different times indulged the idea of forming by means of new treaties, more definite relations with France; an idea, which in fact, could never be realised, because his majesty sought for nothing by it but pledges for the permanence of repose, and security for himself and his neighbours: that is, he sought such conditions as the French Cabinet must necessarily oppose, and not accede to in the pursuit of projects of a totally different character. When, finally, every thing was thought to be exhausted which had been imagined, in order to put the amicable sentiments of Austria to the severest proofs, the French Government nevertheless succeeded in driving his Imperial majesty to resistance by insisting that he should desist from those measures which were an essential part of the defence of the country. To purchase peace at this price was impossible. The monarchy was from that moment annihilated, when they on whom was imposed the care for its preservation were ready with their own hands to destroy the last bulwark of their existence.

" The emperor could not have deceived himself concerning the import of his desire, nor would he have ever formed such a pretension, if that, which could not but

necessarily follow it, had not already constituted a part of his plans. Whatever may be done, either now or hereafter, to conceal the point of view from which the present relations must be judged, there will always remain but one single charge, against which Austria has nothing to say. To lay claim to independent existence at a crisis when one state after another was losing its ancient constitution and independence—this alone was Austria's offence. The often repeated expression of the emperor Napoleon, that he has nothing to require of Austria, could have no other import than this—that Austria should felicitate herself on the integrity of her empire (for the moment at least, and till further arrangements,) but stripped of all the attributes which could impart to her firmness and worth, without enjoying any security for the future; without the political influence which is inseparable from the existence of a great state, or claiming a voice in the common concerns of Europe. If this intimation that France required nothing of Austria, were not sufficiently refuted by a long series of facts, but principally by the insolent pretension to condemn as unwarrantable measures of mere territorial defence, it would still, in the form in which it stands, characterise more distinctly than the ablest description, the state of the monarchy till then, and the condition of Europe.

" His majesty has recourse to arms, because the duty of self preservation does not permit him to comply with the condition upon which alone the French Cabinet grants the continuance of

peace; viz. to yield up the means of a just defence, because he dares no longer delay the protection of countries and nations which God has entrusted to him against an invasion long planned, more than once clearly announced, and now ripe for execution; because he is sufficiently acquainted with the thoughts and wishes of his people, to know that there is not one among them who would not prefer the utmost exertions in their power, to an ignoble self annihilation by voluntary subjection.

“His majesty has embraced this resolution with a feeling which must inspire himself and every just defender of his cause with confidence; for not only is the step which his majesty has been impelled at length to take the most just in itself, but his majesty rejoices in the consolatory and inestimable assurance that the whole world acknowledges it to be so. The emperor’s just principles—his detestation of unnecessary wars; his long, but ineffectual efforts to avoid the conflict which has now burst forth, are so notorious; the designs of the enemy are so little concealed and the motives which have called for this final resolution are so decisive, that truth and justice must be banished from the earth, if all free judgments were not unanimous concerning the origin of this war.

“The immediate object of his majesty is to put an end to that unnatural and ambiguous state in which Austria during three years has vacillated; a state which under the vain denomination of peace, has involved it in all the sacrifices, burthens, and dangers of the most oppressive war:—and

to place the country in a situation which may secure it the honorable repose of a real peace. But such a situation cannot subsist while foreign armies, it matters not under what pretence, are allowed to hold the monarchy in a state of perpetual siege; it cannot subsist while the political and military relations of the States which surround Austria, are of such a quality, that it needs only a single order, a hint from a foreign country, to spread over the whole Austrian frontier the apprehension of hostile incursion; and while seriously intended, or merely illusive movements, or only the threatening proximity of a numerous army, ready to strike, compel the adoption of extraordinary means of defence, and costly armaments.

“The security of the Austrian Monarchy cannot, therefore, be sought in an insulated state. It cannot be conceived as separate from the state of adjoining countries, and from the general condition and constitution of the collected system of European state policy. Austria can find a perfect guarantee of her independence, only in that degree of independence in the powers which surround her, which the claim of universal dominion, from whatever quarter it proceeds, would render impossible. Austria cannot and ought not to look with careless indifference upon the state of those powers, more especially Germany and Italy. Her interest is too closely, too indissolubly interwoven with the interest of those countries. The central position of her monarchy causes her to come too frequently in contact with those states: and the

station, she has held for centuries, and the share she has taken in all great European concerns has connected her too intimately with the whole body politic, to permit her, without sustaining a mortal wound, to be torn from it.

“His imperial majesty’s wishes and sentiments are in perfect harmony with the unalterably prescribed interests of his dominions. Next to the duty of providing for the welfare of his subjects, and the support of his throne, his majesty will at all times consider those as the most sacred which spring from a sincere regard for the repose, felicity, prosperity, and lawful freedom of his neighbors. The emperor will never deem himself authorised to interfere with the internal relations of foreign states, or to assume to be the judge of them, or their system of government or their development of their power. He demands a just reciprocity. Far removed from ambition and jealousy, the emperor will envy no other sovereign, his power, his fame, or his just influence; it is only in the exclusive claim to these prerogatives that lies the object of general apprehension, and the root of everlasting wars. It is not France which has generated the present conflict, in the prosperity and maintenance of which his majesty will always feel an interest, but the progressive extension of a system, which under the indefinite title of a French empire, allows Europe to enjoy no other than its law. That conflict will cease and all the wishes of his majesty will be fulfilled, when the reign of moderation, forbearing the reciprocal independence of every State, res-

pect for the rights of each, the inviolability of treaties, and the preponderance of pacific councils, shall assume the place of an arrogant system of sole and exclusive dominion.

“By what means and to what extent these just wishes may be realised, his majesty leaves in the hands of Providence. Only thus much he ventures confidently to promise, that even for his own supreme interests, for the undiminished preservation of his monarchy, he will never adopt or require measures which can encroach on the well acquired rights, independence and security of other states, and that if the success of his arms should correspond with the justice of his views the same results of the war from which Austria expects an adequate guarantee of her independence, and her future repose, will at the same time be in perfect harmony with the true interests of her neighbours, and the common welfare of Europe.”

PROCLAMATION OF THE FRENCH
EMPEROR TO THE HUNGARIANS.

Imperial Head-Quarters, Schoenbrun, May 15, 1809.

Hungarians!—The emperor of Austria, unmindful of treaties, and regardless of the magnanimity I shewed him after three successive wars and particularly the war of 1805, has attacked my armies; I have faced him, and the god of armies who punishes the ungrateful and faithless, has crowned my arms with victory. I have entered the capital of Aus-

tria and am on your frontiers.—The emperor of Austria and not the king of Hungary has declared war against me. According to your constitution he could not do it without your consent. Your system of defensive warfare, and the measures adopted at the last diet, has satisfactorily proven to me your desire for peace.

Hungarians—The moment to obtain your independence is arrived. I offer you *peace*, the integrity of your territories, your *liberties*, your present constitution, modified at your discretion and pleasure, or when the spirit of the times, or the interest of your fellow-citizens may require it. *I ask nothing of you*—my only wish is to *see you a free and independent people*.

Your union with Austria is the source of all your misfortunes, for which your blood has flown in distant countries, your interests have been sacrificed to those of the hereditary estates, of which you were the flower, and treated as a colony. This gave rise to domestic feuds the source of which was to you unknown. Your manners are national; you speak a distinct language; and boast of an ancient and glorious ancestry. Assume your rank as a nation. Be as you formerly were. Choose yourself a king, whose dignity will result from your suffrages, who will reign for you alone and live among you, surrounded by your citizens and soldiers.

Hungarians—The eyes of all Europe are fixed on you, who demand this of you. All I ask of you is a constant peace and commercial relations with me, in return for which I will guarantee your independence, the greatest of all blessings which awaits you,

provided you are worthy of your forefathers and true to yourselves.

You will not disregard this magnanimous offer and lavishly spill your precious blood for weak princes, controlled by bribed or unprincipled ministers, and to whom England gave her gold—the enemy of the continent who founds her prosperity and wealth upon monopoly and our broils.

Convoke a diet of the nation on the field of Rakos, after the manner of your forefathers, and acquaint me with your determination.

NAPOLEON.

By order of the Emperor,
The Prince of Neufchatel,
Maj. Gen. of the army,

ALEXANDER.

ARMISTICE AGREED UPON BETWEEN THE EMPEROR OF FRANCE AND KING OF ITALY AND THE EMPEROR OF AUSTRIA.

Art. 1. There shall be an armistice between his majesty the emperor of the French and king of Italy and his majesty the emperor of Austria.

Art. 2. The line of demarcation, on the part of Austria is the boundary between Austria and Bohemia, the circle of Brunn, and a line established on the confines of Mahren above Raab. This line begins at Brunn near the Marsh and the Marsh on the other side with its confluence with the Zaya, from thence to St. Johns and along the road from Presburg, Reissburg and three miles around the city. The river Danube until its confluence with the Raab and three miles from its banks

until it reaches Styermark, Carinthia, Istria (with the exception of Fiume which is submitted to the determination of his highness the archduke Charles.)

Art. 3. The citadels of Brunn and Gratz shall be immediately delivered up after signing the armistice.

Art. 4. The Austrian troops shall evacuate the Tyrol and the Voralberg; the fort of Sachsenburg shall be delivered up to the French troops.

Art. 5. The magazines, provisions and arms, in those places in the possession of the Austrian troops, may be carried away.

Art. 6. With regard to Poland, both armies shall occupy what they at present possess.

Art. 7. The present armistice shall continue for one month—fifteen days notice shall be given prior to the commencement of hostilities.

Art. 8. Commissioners on both sides shall be appointed to fulfil the conditions of this armistice.

Art. 9. To-morrow (the 13th) the Austrian troops shall begin to evacuate the territories designated in the armistice. Fort Brunn shall be delivered up to the French on the 14th, and Gratz on the 16th July, instant.

Done and concluded by the undersigned, and authorized by both sovereigns.

Baron von Vimpsen,
Maj. Gen. in chief of the staff of
the Austrian army.

His Excellency

The Prince Neufchâtel.

Certified by the general of the
staff of the third corps,

REUBEL.

The Secretary in the absence of
the Commandant,

MARINVILLE.

TREATY OF PEACE BETWEEN AUSTRIA AND FRANCE.

Napoleon, by the Grace of God, and the Constitution of the Empire, Emperor of the French, King of Italy, Protector of the League of the Rhine, &c. having seen and considered the Treaty concluded, determined, and signed at Vienna, on the 14th of this month, by the Sieur Nompere de Champagny, our Minister for Foreign Affairs, in virtue of the full powers to that end given him by us, and the Prince John of Lichtenstein, Marshal of the armies of his Majesty the Emperor of Austria, equally provided with full powers, which Treaty is of the following tenor:—

His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, Mediator of the League of Switzerland: and his Majesty the Emperor of Austria, King of Hungary and Bohemia, being equally animated with the desire of putting an end to the war which has arisen between them, have resolved to negotiate forthwith a Definitive Treaty of Peace, and for that purpose have appointed as their Plenipotentiaries, namely:—

His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, the Sieur Jean Baptiste Nompere, Count de Champagny, Duke of Cadore, Grand Eagle Bearer of the Legion of Honour, Commander of the Order of the Iron Crown, Knight of the Order of St. Andrew of Russia, Grand Dignitary of that of the Two Sicilies, Grand Cross of the Orders of the Black and Red Eagles of Prussia, of the Order of St. Joseph of Wurtzburgh, of the Or-

der of Fidelity of Baden, of the Order of Hesse Darmstadt, his said Majesty's Minister for Foreign Affairs; and his Majesty the Emperor of Austria, King of Hungary and Bohemia, the Sieur Prince John of Lichtenstein, Knight of the Order of the Golden Fleece, Grand Cross of the Order of Maria Theresa, Chamberlain, Marshal of the armies of his said Majesty the Emperor of Austria, and Proprietary Commander of a regiment of horse in his service :—

Who having previously exchanged their full powers, have agreed upon the following Articles :—

Art. I. There shall, from the day of the exchange of the ratifications of the present treaty, be peace and friendship between his majesty the Emperor of the French, King of Italy, protector of the league of the Rhine, and his majesty the emperor of Austria, king of Hungary and Bohemia, their heirs and successors, their states and subjects respectively for ever.

II. The present peace is also declared to be common to his majesty the king of Spain, his majesty the king of Holland, his majesty the king of Naples, his majesty the king of Bavaria, his majesty the king of Wirtemberg, his majesty the king of Saxony, and his majesty the king of Westphalia, his most eminent highness the prince primate, their royal highnesses the grand duke of Baden, the grand duke of Berg, the grand duke of Hesse-Darmstadt, the grand duke of Wurtzburg, and all the princes and members of the league of the Rhine, the allies, in the present war, of his majesty the emperor

of the French, king of Italy, protector of the league of the Rhine.

III. His majesty the emperor of Austria, king of Hungary and Bohemia, cedes, as well for himself, his heirs and successors, as for the princes of his house, their heirs and respective successors, the principalities, lordships, domains, and territories, herein-after mentioned, and also all titles which may accrue from the possession of the same; and all properties, whether manorial or held by them under an especial title, lying within the said territories.

1. He cedes and transfers to his majesty the emperor of the French, to form a part of the league of the Rhine, and to be placed at his disposition for the interest of the sovereigns of the league.—

The territories of Salzburg and Berchtolsgaden; that part of Upper Austria, situate on the further side of a line running from the Danube, at the village of Straus, therein comprehending Weissenkirch, Wedersdoff, Michelbach, Greist, Muckenhausen, Helst, and Jedina; thence in the direction of Schwandstadt, the town of Schwandstadt on the Alps, and thence ascending along the bank of that river, and the lake of the same name, to the point where the lake touches upon the territory of Salzburg.

His majesty the emperor of Austria shall only retain in property the woods, belonging to the Salz-Cammer-Gut, and forming part of the manor of Mondsee, with liberty to cut and carry thence the brush-wood, but without enjoying any right of sovereignty upon that territory.

2. He also cedes to his majesty

the emperor of the French, king of Italy, the county of Garitia, the manor of Montefalcone, the government and city of Trieste, Carniola, with its dependencies on the gulf of Trieste, the circle of Wallach, in Carinthia, and all the territories lying on the right bank of the Saave, from the point where that river leaves Carniola, along its course to where it touches the frontiers of Bosnia; namely, a part of provincial Croatia, six districts of Military Croatia, Fiume, and the Hungarian Littorale, Austrian Istria, or the district of Castna, the islands depending on the ceded territories, and all other territories, however named, upon the right bank of the Saave—the middle stream of the said river serving as the boundary between the two states.

Lastly, The Lordship of Radzuns lying in the Cranhupderland.

3. He cedes and makes over to his Majesty the king of Saxony, the territory of Bohemia, depending upon, and included in the territory of the kingdom of Saxony; namely, the parishes and villages of Guntersdorff, Taubantranke, Gerlechsheim, Leukersdorff, Schigiswold, Winkel, &c.

4. He cedes and makes over to the king of Saxony, to be united to the duchy of Warsaw, the whole of Western or New Galicia, a district round Cracow, on the right bank of the Vistula, to be hereafter ascertained, and the circle of Zamose, in Eastern Galicia.

The district round Cracow, upon the right bank of the Vistula, shall, in the direction of Podgorze, have for its circumference the distance from Podgorze to Wieliczka. The line of demarkation

shall pass through Wieliczka, and to the westward touch upon Sca-wina, and to the eastward upon the Beek, which falls into the Vistula at Brzdeg.

Wieliczka and the whole of the territory of the Salt-pits shall belong in common to the emperor of Austria, and the king of Saxony. Justice shall be administered therein in the name of the municipal power; there shall be quartered there only the troops necessary for the support of the police, and they shall consist of equal numbers of those of both nations. The Austrian salt from Wieliczka, in its conveyance over the Vistula, and through the duchy of Warsaw, shall not be subject to any toll duties. Corn of all kinds, raised in Austrian Galicia, may also be freely exported across the Vistula.

His majesty the emperor of Austria, and his majesty the king of Saxony, may form such an arrangement with regard to these boundaries, as that the Sau, from the point where it touches upon the circle of Zamose, to its confluence with the Vistula, shall serve as the line of demarkation between both states.

5. He cedes and makes over to his majesty the emperor of Russia, in the easternmost part of Galicia, a tract of territory containing a population of 400,000 souls, the city of Brodi being, nevertheless, not therein included. This territory shall be amicably ascertained by commissioners on the part of both empires.

IV. The Teutonic order having been abolished in the states of the league of the Rhine, his majesty the emperor of Austria, in the name of his imperial highness the archduke Anthony, ab-

dicates the grand mastership of that order in his states, and recognizes the dispositions taken with regard to the property of the order, locally situated out of the Austrian territory. Pensions shall be assigned to those who have been on the civil establishment of the order.

V. The debts funded upon the territory of the ceded provinces, and allowed by the states of the said provinces, or accruing from expenses incurred for their administration, shall alone follow the fate of those provinces.

VI. The provinces which are to be restored to his majesty the emperor of Austria, shall be administered for his behoof by the Austrian constituted authorities, from the day of exchanging the ratification of the present treaty ; and the imperial domains, where-soever situated, from the first of November next. It is, nevertheless, understood, that the French army in this country shall take for their use whatever articles cannot be supplied by their magazines for the subsistence of the troops and the wants of the hospitals ; and also whatever shall be necessary for the conveyance of their sick, and the evacuation of the magazines.

An arrangement shall be made between the high contracting parties respecting all war contributions, of whatever denomination, previously imposed on the Austrian provinces occupied by the French and allied troops ; in consequence of which arrangement the levying of the said contributions shall cease from the day of the exchange of the ratifications.

VII. His majesty the emperor of the French, king of Italy, engages to give no obstruction to

the importation or exportation of merchandise into and from Austria, by way of the port of Fiume ; this, nevertheless, not being construed to include English goods or manufactures. The transit duties on the goods thus imported or exported, shall be lower than upon those of all other nations, the kingdom of Italy excepted.

An inquiry shall be instituted, to ascertain whether any advantages can be allowed to the Austrian trade, in the other ports ceded by this treaty.

VIII. The titles of domains, archives, plans, and maps of the countries, towns, and fortresses ceded, shall be given up within two months after the period of the ratification.

IX. His majesty the emperor of Austria, king of Hungary and Bohemia, engages to discharge the yearly interest, arrears, and capitals, invested in securities of the government, states, bank, lottery, or other public establishments, by subjects, companies, or corporate bodies in France, the kingdom of Italy, and the grand duchy of Berg.

Measures shall also be taken, to completely liquidate the sum due to Mont St. Theresa, now Mont Napoleon, at Milan.

X. His majesty the emperor of the French engages to procure a full and complete pardon for the inhabitants of the Tyrol and Vorarlberg, who have taken a part in the insurrection ; so that they shall not be prosecuted either in person or property.

His majesty the emperor of Austria equally engages to grant a full and complete pardon to those inhabitants of the territories of Gallicia, of which he returns into pos-

session, whether civil or military, public officers, or private individuals, who have taken part in the levying of troops or the formation of judicial or municipal administrations, or in any other proceeding whatsoever during the war, which inhabitants shall be prosecuted in their persons or property.

They shall have permission, during a period of six years, to dispose of their properties, of whatever description they may be; to sell their estates, even those that have been considered inalienable, such as *fidei commissa* and *majoratus*: to leave the country, and to carry with them the produce of these sales, in specie, or effects of any other description, without paying any duty for the same, or experiencing any difficulty or obstruction.

The same permission, and for the same period, shall be reciprocally allowed to the inhabitants and landholders in the territories ceded by the present treaty.

The inhabitants of the duchy of Warsaw, possessing landed estates in Austrian Galicia, whether public officers, or private individuals, shall enjoy the revenue thereof, without paying any duty thereon, or experiencing any obstruction.

XI. Within six weeks from the exchange of the present treaty, posts shall be erected, to mark the boundaries of Cracow, upon the right bank of the Vistula. For this purpose there shall be nominated Austrian, French, and Saxon commissioners.

The same measures shall be adopted within the same period upon the frontiers of Upper Austria, Saltzburgh, Wallach, and Carniola, as far as the Saave.

The Thalweg (stream) of the Saave shall determine what islands of that river shall belong to each power. For this purpose French and Austrian commissioners shall be nominated.

XII. A military convention shall be forthwith entered into, to regulate the respective periods within which the various provinces restored to his majesty the emperor of Austria shall be evacuated. The said convention shall be adjusted on the basis, that Moravia shall be evacuated in fourteen days; that part of Galicia which remains in possession of Austria, the city and district of Vienna, in one month; Lower Austria in two months; and the remaining districts and territories not ceded by this treaty, shall be evacuated by the French troops, and those of their allies, in two months and a half, or earlier, if possible, from the exchange of the ratifications.

This convention shall regulate all that relates to the evacuation of the hospitals and magazines of the French army, and the entrance of the Austrian troops into the territories evacuated by the French or their allies; and also the evacuation of that part of Croatia ceded by the present treaty to his majesty the emperor of the French.

XIII. The prisoners of war taken by France and her allies, from Austria, and by Austria from France and her allies, that have not yet been released, shall be given up within fourteen days after the exchange of the ratifications of the present treaty.

XIV. His majesty the emperor of the French, king of Italy, protector of the league of the Rhine, guarantees the inviolabili-

ty of the possessions of his majesty the emperor of Austria, king of Hungary and Bohemia, in the state in which they shall be, in consequence of the present treaty.

XV. His majesty the emperor of Austria recognizes all the alterations which have taken place, or may subsequently take place in Spain, Portugal, and Italy.

XVI. His majesty the emperor of Austria, desirous to co-operate in the restoration of a maritime peace, accedes to the prohibitory system with respect to England, adopted by France and Russia, during the present maritime war. His imperial majesty shall break off all intercourse with Great Britain, and with respect to the English Government, place himself in the situation he stood previous to the present war.

XVII. His majesty the emperor of the French, king of Italy, and his majesty the emperor of Austria, king of Hungary and Bohemia, shall observe with respect to each other the same ceremonial in regard to rank and other points of etiquette, as before the present war.

XVIII. The ratification of the present treaty shall be exchanged within six days, or sooner, if possible.

Done and signed at Vienna, Oct. 14, 1809.

(Signed) J. B. NOMPÈRE DE CHAMPAGNY.

JOHN PRINCE OF LICHTENSTEIN.

We have ratified, and hereby ratify the above treaty, in all and every of the articles therein contained; declare the same to be adopted, confirmed, and establish-

ed; and engage that the same shall be maintained inviolable. In confirmation whereof, we have hereto affixed our signature, with our hand, being countersigned and sealed with our imperial seal.

Given at our imperial camp at Schoenbrunn, October 15, 1809.

NAPOLÉON.

By the emperor.

CHAMPAGNY,

Minister for foreign affairs.

H. B. MARET,

Minister secretary of state.

Certified by us,

The arch-chancellor of state,

EUGÈNE NAPOLÉON.

AN ACCOUNT OF THE BATTLE FOUGHT NEAR ASPERN, ON THE MARCHFIELD, ON THE 21ST AND 22D OF MAY, 1809, BETWEEN THE ARCHDUKE CHARLES AND THE EMPEROR NAPOLÉON.

The emperor Napoleon having, after some sanguinary engagements near Abensberg, Hansen, and Dinzingen, in which the fortune of war favoured the Austrians, so as to force the French garrison at Ratisbon to surrender, succeeded in cutting off the left wing of the Austrian army, and driving it back to Landshut, and after advancing by Eckmühl with a superior corps of cavalry, taking the road of Eglofsheim, and forcing to retreat those Austrian corps that were posted on the heights of Leikepoint and Telmessing, the archduke on the 23d of April crossed the Danube, near Ratisbon, and joined the corps of Bellegarde, who had opened the

campaign by several successful affairs in the Upper Palatinate, had reached Amberg, Neumarkt, and Hemau, and had by this time approached Stadt-am-Hof, in order to execute a junction with the archduke.

The emperor Napoleon ordered the bombardment of Ratisbon, occupied by a few battallions who were to cover the passage of the Danube. On the 23d, in the evening, he became master of it, and immediately hastened along the right bank of the Danube, to enter the Austrian states, in order, as he openly declared, to dictate peace at Vienna.

The Austrian army had taken a position near Cham, behind the river Regen, which was watched by some of the enemy's divisions, while the emperor Napoleon called all the disposeable troops, in forced marches, from the north of Germany to the Danube, and considerably reinforced his army with the troops of Wurtemberg, Hessa, Baden, and some time after with those of Saxony.

Near Kirn and Nittenau, some affairs had happened between the out-posts, which, however, had no influence upon the armies.

However easy it would have been for the archduke to continue his offensive operations on the left bank of the Danube without any material resistance, and however gratifying it might have been to relieve provinces which were groaning beneath the pressure of foreign dominion, the preservation of his native land did not permit him to suffer the enemy to riot with impunity in the entrails of the monarchy, to give up the rich sources of its independence, and expose the welfare of the subject to the devastations of foreign conquerors.

These motives induced the archduke to conduct his army to Bohemia, by way of Klentsch and Neumarkt, to occupy the Bohemian forest with light troops and part of the militia, and to direct his march towards Budweis, where he arrived on the 3d of May, hoping to join near Lintz, his left wing, which had been separated from him, and which was under the command of lieutenant-general Baron Hiller.

But the latter had been so closely pressed, by the united force of the French armies, that after several spirited engagements, and even after a brilliant affair, in which he had the advantage, near Neumarkt, and in which the troops achieved all that was possible against the disproportionate superiority of the enemy, he indeed was able to reach Lintz, but was incapable of crossing the Danube, and obliged to content himself with destroying the communication with the left bank, and taking up a position behind the Traun, near Ebersberg. This was the occasion of an extremely murderous engagement, during which the enemy, in storming the bridge, lost near 4000 men: Ebersberg was set on fire, and lieutenant-general Hiller continued his retreat, till he got so much the start as to pass the Danube near Stain, without being disturbed by the enemy, and to wait the approach of the archduke, who, having in vain attempted the junction of the army near Lintz, had marched from Budweis to Zwettol; still hoping, by a quick passage of the Danube, to arrest the enemy's progress towards the metropolis.

Meanwhile a corps of Wurtembergers had advanced from Passau, along both the shores of

the Danube, had occupied Lintz, and the bank opposite to it; had restored the bridge, and signalized itself by destroying the defenceless villages and castles which could not be protected by the small advanced guard proceeding by the side of the main army.

The enemy, by marching thro' the valley of the Danube, in the straightest line, had got so much ahead, that all hopes of coming up with him in front of Vienna vanished; still, however, if that city had been able to hold out for five days, it might have been relieved; and the Archduke resolved on venturing the utmost to rescue that good city, which by the excellent disposition of its citizens, the faithful attachment to its sovereign, and its noble devotion, has raised itself an eternal monument in the annals of Austria. All his plans were now directed towards gaining the bridges across the Danube, near Vienna, and endeavouring to save the imperial residence, by a combat under its very walls.

Vienna, formerly an important fortress, was in vain besieged by the Turks, and would even now, from the solidity of its ramparts, the strong profiles of its works, and the extensive system of its mines, be capable of making a protracted resistance, had not, for upwards of a century back, the luxury of a large metropolis, the wants of ease, the conflux of all the Magnates in the empire, and the pomp of a splendid court, totally effaced every consideration of military defence. Palaces adorn the ramparts, the casemates and ditches were converted into workshops of tradesmen, plantations mark the counter-scarps of

the fortress, and avenues of trees traverse the glacis, uniting the most beautiful suburbs in the world to the Corps de la Place.

Although under such circumstances no obstinate resistance of the capital was to be expected, yet, from the unexampled loyalty of the inhabitants, it was confidently hoped, that Vienna might, for a few days serve as a tete-de-pont to cover the passage of the river; whence all preparations amounted to no more than to secure the place against a coup-de-main; and for this reason the archduke had some time before directed field marshal Hiller to send part of his corps along the right bank towards the capital, in the event of his (the archduke's) passage to the left shore.

Field Marshal Hiller now received orders to burn the bridge near Stain in his rear, to leave a small corps of observation near Krems, to hasten by forced marches with the bulk of his army to the environs of Vienna, and as circumstances would permit, by occupying the small islands, to keep up the communication with the city and the debouche across the bridges.

The army of the archduke now advanced, without interruption, by Neupolla, Horn, and Weikendoff, upon Stockerau; and, in order to overawe such enterprises as the enemy might project from the environs of Lintz, part of the corps of the general of the artillery, Count Kollowrath, which till then had remained near Pilsen, with a view to secure the North and West frontier of Bohemia, was ordered to march to Budweis.

Napoleon had used so much expedition on his march to Vienna, that on the 9th of May his advanc-

ed troops appeared on the glacis of the fortress, whence they were driven by cannon shot. From three to four thousand regular troops, as many armed citizens, and some battalions of country militia, defended the city; ordnance of various calibre was placed upon the ramparts; the suburbs were abandoned, on account of their great extent; and the numerous islands and low bushy ground behind the town were occupied by some light troops of the corps of Hiller, as well as by the militia.

The corps itself was posted on what is termed "the Point" on the left shore of the river, waiting the arrival of the army, which was advancing in haste.

The occupation of Vienna formed too essential a part in the extensive plans of the French emperor; its conquest had been announced by him with too much confidence, and was of too great importance towards confirming the prejudice of his irresistible power, for him not to employ every method of taking it before the assistance which was so near could arrive.

For the space of twenty four hours the howitzers played upon the town; and though several houses were set on fire, the courage of the inhabitants remained unshaken. But a general devastation threatened their valuable property, and when at length the enemy, availing himself of the numerous craft which he found there, crossed the smaller branches of the Danube, dislodged the troops from the nearest islands, and menaced their communication with the left bank, the city was justified in capitulating, while the troops retreated by the great

bridge of Tabor, which they afterwards set on fire.

The Archduke received this intelligence in his head quarters, between Heirn and Meisseau, and though it was scarcely to be expected that a city surrounded as it was should continue its resistance, the Archduke proceeded on his march without interruption, flattering himself that he might be able to execute his favourite project by a bold attempt to pass the Danube at Vienna.

The city capitulated on the 13th of May, so that there was no further occasion to expose the army to hazard by crossing the Danube, for which no sufficient preparation had been made, and which must have been effected in the face of the enemy, and under local circumstances of the greatest disadvantage. By the surrender of Vienna, the army had lost a point of support on which to rest its military operations.

In this situation of affairs the Archduke resolved to collect his army at the foot of the hill Bisamberg, and allow it a few days of rest, which after so many forced marches is urgently wanted. The cavalry, for the convenience of water, was posted along the Russ, a rivulet, which is concealed by ground covered with bushes, and the advanced guards pushed forward to the Danube, in order to observe the movements of the enemy, and prevent his passing the river, which he had already attempted to do from Nussdorf, to what is called the Black Lake, but with so little success, that a battalion of his advanced guard was taken. The chain of the out posts extended on the left side as far as

the Marsh, and on the right to Krems; this place and Presburg were occupied by some battalions; and the head quarters of the Archduke were, on the 16th of May at Ebersdorf near the high road leading to Brunn.

On the 19th the out posts reported, that the enemy had taken possession of the great island of Lobau, within about six English miles of Vienna; that his numbers increased there every hour, and that he seemed to be employed in throwing a bridge across the great arm of the Danube behind the island. From the top of the Bisamberg, the whole of the opposite country appeared to be enveloped in a cloud of dust, and the glitter of arms evinced a general movement of troops beyond Summering towards Kaiser Ebersdorf, whither, according to later accounts, the Emperor Napoleon had removed his head-quarters, and was by his presence hastening and promoting the preparations for passing the river.

On the following morning, at day break, the Archduke resolved to reconnoitre the island, and employed for this purpose part of the advanced guard, under the command of Field-Marshal Lieutenant Count Klenau, supported by some regiments of cavalry.

The isle of Lobau forms a convenient place of arms, which is about six English miles long and four and a half broad, and being separated by the large arm of the Danube from the right bank, nothing prevents the building of a bridge, which is concealed by ground covered with bushes; and the great extent of the island affords the advantage of sending troops and ordnance from so many points of it, that the passage across the

smaller arm to the larger plain of Marchfield, may be made good by force of arms.

It was soon perceived by the strength of the enemy's columns which advanced upon the island, and placed their cannon so as to support the second passage, that he meditated a serious attack. The advanced guard sustained a tolerably warm engagement, and the cavalry routed the first division of the enemy, which debouched from the low grounds on the edge of the river, late in the evening; upon which, the Archduke, whose intention was not to prevent the passage of the enemy, but to attack him the following day, retreated with his cavalry to Anderklaa, and ordered the advanced troops to fall back to Maas, according as the enemy should extend himself.

On the 21st at day break, the Archduke ordered his army under arms, and formed it in two lines on the rising ground, behind Gerasdorf, and between the Bisam-hill and the rivulet Russ. The corps of Lieutenant General Hiller formed the right wing near Stammersdorf; on its left was the corps of the General of cavalry Count Bellegarde, and next to that the corps of Lieutenant General Prince Hohenzollern in the allignment of Deutsch Wagram. The corps of Prince Rosenberg was posted by battalions in columns on the Russbach on the rivulet Russ, kept Deutsch Wagram strongly occupied, having, for the security of the left wing, placed on the heights beyond that place, a division in reserve. The whole cavalry, which the day before had advanced under the command of Prince Lichtenstein, by Anderklaa, was called back into

the line, filling, in two lines, the space intervening between the left wing of Prince Hohenzollern and the right of Prince Rosenberg.

The vast plain of the March-field spread like a carpet before the front of the line, and appeared by the absence of every obstruction, to be destined to form the theatre of some great event. The grenadiers remained in reserve near Serening, and the corps of the general of artillery, Prince of Reuss kept the Bisam-hill, and the low bushy ground along the Danube, strongly occupied. Part of it was still left near Krems, the corps being almost broke up by having so many of its divisions detached to so considerable a distance.

At nine o'clock, the archduke ordered the arms to be piled, and the troops to dine. The piquet of observation on the Bisam-hill reported that the bridge across the Danube behind the isle of Lobau, being now quite finished, was plainly perceivable, and that troops were without intermission seen filing off over it, as well as passing in boats to the isle. The outposts, likewise, gave information, of the gradual augmentation of the enemy in the town of Endzersdorf and in the villages of Essling and Aspern, and of his advancing towards Hirschstetten.

The archduke Charles now thought that the moment for giving battle had arrived, and hastened to Gerasdorf, where the chief of his quarter-master-general's staff, general Baron Wimpfen, sketched out the following plan.

Plan of attack upon the hostile army on its march between Essling

and Aspern, and towards Hirschstetten.

"The attack to be made in five columns. The first column, or the column of the right wing, is formed by the corps of lieutenant general Hiller. It will advance from its present position in the direction between the "point" and Leopoldau along the nearest arms of the Danube, pass along the left bank towards Stadelau and Aspern, keep constantly near the Danube and the meadows bordering upon it, and is vigorously to repulse the enemy, who most likely will meet it on the same road, and drive him from the left bank. This column must not suffer its progress to be impeded by the batteries which the enemy perhaps may have erected on the islands, but must endeavour to silence them by its cannon, and spiritedly continue to advance.

"The second column consists of the corps of the general of cavalry Count Bellegarde; leaving Gerasdorf to the left, it will march towards Leopoldau, endeavour to join the first column on the right, advance upon Kagrau, and then, conjointly with the third column, upon the left, push forward towards Hirschstetten.

"The third column is composed of the corps of lieutenant general Prince Rehenzollern. It will march by Sussenbrunn to Braitenlee, and from thence towards Aspern, and will endeavour to join on its right the second column, and on its left the fourth.

"The fourth column, under the command of lieutenant general Prince Hosenberg, is made up of that part of his corps which is posted on the right bank of the

rivulet Russ; it is to advance, by Anderklaa and Raschdorf, towards Essling.

"The fifth column is formed by that part of Prince Rosenberg's corps, which stands between Deutsch Wagram and Beaumersdorf. It will cross the Russ near Beaumersdorf, leave Raschdorf and Bischofsdorf to the right, endeavour to pass to the left, around the town of Enzersdorf, and secure its left flank by the archduke Ferdinand's regiment of hussars.

"The cavalry reserve under the command of general Prince Lichtenstein, to march by the way of Anderklaa, without coming in contact with the fourth column, between Raschdorf and Breitenlee and strait to the New-Inn, keeping continually at such a distance between the heads of the third and fourth columns, as in case of necessity, to be near at hand for the purpose of repelling the main body of the enemy's cavalry.

"The grenadier corps of reserve to march from Seiering into the position which the corps of Bellegarde has taken up behind Gerasdorf.

"All the columns and corps will march at 12 o'clock at noon. Their second lines to follow them at a suitable distance. Every column to form its own advanced guard. The order of march, and distribution of the field pieces to be left to the judgment of the commanders of the respective corps. The whole will march by half divisions. Lieutenant general Klenau to form the advanced guard of the fourth and fifth columns, and, before he advances, to suffer the heads of these columns to come quite up to him,

in order that he may have at hand a sufficient support of infantry.

"Of the corps of cavalry, the brigade under the command of Veesy to be attached to the second column, and the regiment O'Reilly to the third; and both brigades are to repair immediately, the former to Gerasdorf, and the latter to Sussenbrunn.

"The principal object in view is to drive back the enemy entirely over the first arms of the Danube, destroy the bridges he has thrown over them, and occupying the bank of the Lobau with a numerous artillery, especially howitzers.

"The infantry will form on the plain in battalions, with half divisions from the centre.

"His imperial highness the general in chief recommends order, closeness during the advance, and a proper use of every species of arms. His station will be the second column.

"Grenschorf, May 21, 1809."

The first column consisted of

	19 Bat.	22 Squad
2	20	16
3	22	8
4	13	8
5	13	16

The corps of cavalry, 78

The corps of Grenadiers, 16

Total 113 Bat. 148 squad.
all which amounted to 75000 men effective troops.

Of artillery, there were 18 batteries of brigade, 13 of position, and 11 of horse artillery; in the aggregate two hundred and eighty eight pieces of different calibre.

The enemy had availed himself extremely well of the advantages of the ground to cover his passage. The extensive villages of Essling and Aspern, mostly composed of brick houses, and encircled all round by heaps of earth, resembled two bastions between which a double line of natural trenches intended to draw off the water, served as the curtain, and afforded every possible security to the columns passing from the Isle of Lobau. Essling had a granary furnished with loop-holes, and whose three stories afforded room for several hundred men, while Aspern was provided with a strong churchyard.—The left side of the latter village borders on an arm of the Danube. Both villages had a safe communication with the bushy ground near the Danube from which the enemy had it constantly in his power to despatch, unseen, fresh reinforcements. The isle of Lobau served at once as a place of arms and as a *tete-de-pont*, a bridge-head for the bridge, in the rear across the main arm of the river.

The enemy with the divisions of generals Molitor, Boudet, Nansouty, Legrand, Espagne, Lasalle and Ferrand, under the marshals Massena, and Lasnes, as well as marshal Bessieres, together with the guards of the Wurtemberg, Hesse Darmstadt and Baden auxiliaries, had already left this position, and was directing his march towards Hirschstetten, when the first Austrian advanced guards met him.

If it be at all permitted in war, to indulge favorable presentiments, it was certainly excusable so to do at that great moment; when on the 21st of May, exactly

at 12 o'clock, the columns began to put themselves in motion for the attack.—A general enthusiasm had taken possession of the troops—joyful war-songs, accompanied by Turkish music, resounded through the air, and were interrupted by shouts of “Long live our emperor, long live archduke Charles!” whenever the imperial general appeared, who had placed himself at the head of the second column, every breast panted with anxious desire and high confidence after the decisive moment; and the finest weather favoured the awful scene.

BATTLE OF THE 21st MAY.

FIRST COLUMN.

The advanced guards under general Nordman consisting of two battalions of Gyulay and Lichtenstein hussars, had formed near the destroyed bridge of Tabor, and leaving the village of Kahn and Hirschstetten to the left and Stradlau to the right, marched in the plain towards Aspern.

It was followed by the column, which, having left the road before the post office at Stammersdorf, had marched from the right by half divisions. Its right flank along the Danube was covered by a battalion of St. Georgians, by the first battalion of Vienna volunteers, and by a battalion of militia, under the command of major Count Colloredo.

Within a cannon shot of Stadlân, the out posts met the enemy's piquets, which gradually retreated to their original divisions.

At this time general Nordman

ordered two battalions of Gyulay, to draw up *en echelon*, in order to favour the advance of the column. The enemy, drawn up in large divisions, stood immediately before Aspern, having to cover his front, occupied all the ditches of the fields, which afforded excellent breast works. His right was covered by a battery, and his left by a broad deep ditch (one of those that carry off the water of the Danube when it overflows) as well as by a bushy ground which was likewise occupied by several bodies in close order.

Though the enemy had advantage of position all to himself, inasmuch as the freshes of the Danube were only passable by a small bridge, at which he kept up a vigorous fire from behind the ditches both with cannon and small arms, it did not prevent the second battalion of Gyulay, immediately after the first had penetrated as far as the bushy meadows, to pass the bridge in a column, to form without delay, and with charged bayonets to attack the enemy, who precipitately retreated to Aspern, on which occasion that village, after a vigorous, but not very obstinate resistance, was taken for the first time.

It was, however, not long before the enemy had it in his power, by the arrival of a fresh reinforcement, to expel again the battalions of Gyulay. By this time some battalions of the columns had arrived, the chasseurs of major Schneider, of the second column, joined the advanced guard of the first; Gyulay formed again and the enemy was a second time pushed to the lower end of the village, though he succeeded again in regaining what he lost.

Both parties were aware of the necessity of maintaining themselves in Aspern at any rate, which produced successively the most obstinate efforts both of attack and defence: the parties engaged each other in every street, and in every house, and in every barn; carts, ploughs, and harrows were obliged to be removed during an uninterrupted fire, in order to get at the enemy; every individual was an impediment of the assailants, and a rampart of the attacked; the steeple, lofty trees, the garrets, and the cellars were to be conquered before either of the parties could style itself master of the place, and yet the possession was ever of short duration; for no sooner had we taken a street or a house, than the enemy gained another, forcing us to abandon the former. So this murderous conflict lasted for several hours; the German battalions were supported by Hungarians, who were again assisted by the Vienna volunteers, each rivaling the other in courage and perseverance. At the same time the second column combined its attacks with those of the first, having to overcome the same resistance, by reason of the enemy's constantly leading fresh reinforcements into fire. At length general Varquant of the second column succeeded in becoming master of the upper part of the village, and maintaining himself there during the whole night.

By the shells of both parties, many houses had been set on fire, and illuminated the whole country round.

At the extremity of the right wing on the bushy meadow, the combats were not less severe. The left flank of the enemy was

secured by an arm of the Danube; impenetrable underwood, intersected only by foot paths, covered his front; and a broad ditch and pallisadoes afforded him the advantage of a natural rampart.

Here fought at the beginning of the battle, the first battalion of Gyulay under colonel Mariassy; and the battalion of chasseurs under major Schneider: next the St. Georgians under major Mikhailovich; and finally, the two battalions of Vienna volunteers under lieutenant colonel Steigentesch and St. Quentin. Here, also, the enemy was defeated; and the first day of the sanguinary engagement terminated by the occupation of Aspern by general Varquant, at the head of eight battalions of the second column, while lieutenant field marshal Hiller drew the troops of his corps from the village, placed them again in order of battle, and passed the night under arms.

SECOND COLUMN.

The advanced guard, commanded by lieutenant general Fresnel, advanced by Leopoldau and Kagrán towards Hirschstetten and consisted of one battalion of chasseurs, and two battalions of Anton Mitsovsky under general Winzingerode, as well as the brigades of cavalry, Klenau and Vincent, under general Veesy. It was followed in the same direction by the column from its position near Gerasdorf.

The enemy having been dislodged from the eminences near Hirschstetten to be near Aspern and Esslingen, the brigade Vessey was detached against the latter place, and the brigade Win-

zingerode to dislodge the enemy from Aspern.

The column deployed before Hirschstetten in two lines, in order to support the advanced guard, and leaving Aspern to the right, followed upon the plain, at a proper distance.

The brigade of Winzingerode, however, met with so spirited a resistance in its attempt upon Aspern that an attack on the front alone was not likely to be attended with success; the cavalry, therefore, of the advanced guard, was pushed forward from Aspern on the left, in order to support the attack on the flank with the two batteries of cavalry, as well as to facilitate the junction with the third column which was advancing by Brietanlee. At the same time the regiment of Reuss Plauen was ordered to take the right side of Aspern, with a view to attack on that place, the rest of the corps was formed into close columns of battalions.

Meanwhile the enemy formed his left wing, which he displayed towards Aspern and his right upon Esslingen. Thus he advanced with columns of infantry and cavalry upon the main army, while an extremely brisk cannonade supported him. A line of twelve regiments of cuirassiers formed the centre of the second line of the enemy, giving to the whole an imposing aspect.

Meanwhile the attack of a battalion of Reuss Plauen on Aspern was repulsed, and it gave way, being thrown into consternation by the loss of its commander, but it rallied immediately after.—Count Bellegarde ordered general Bacquant to renew the attack with the regiment of Va-

gelsaug, and to carry the village at all hazards. The latter obeyed the orders with the most brilliant success, and Aspern, though defended by twelve thousand of the best of the enemy's troops was carried by storm; Bacquant being assisted by the regiment of Reuss Plauen, by a battalion of archduke Rainer, and by the brigade of Mair, of the third column.

To frustrate this attack, the enemy advanced with two columns of infantry, supported by his heavy cavalry upon the main army, repulsed the regiments of Klenau and Vincent's light horse, and fell upon the infantry.

The latter expecting him, with their firelocks ready, and with cool intrepidity, fired at ten paces distance, so effectually, as totally to route the enemy, upon which general Veesy, at the head of a division of Klenau, attacked the enemy's cuirassiers with such energy that their retreat was followed by that of the infantry.

Hereby the army along the whole of its line was disengaged from the enemy, obtained communication on the left with the corps of Prince Hohenzollern, and became possessed of the important post of Aspern. The enemy being in full retreat, attempted no further attack, and confined himself merely to a cannonade. The corps remained during the night under arms.—The enemy repeated, indeed, his attacks on Aspern, but they all proved unsuccessful.

THIRD COLUMN.

This column, according to its destination, had began its march

from its position at Sciering, by the road to Sussenbrunn and Breitenlee. Some divisions of O'Reilly's light horse and chasseurs formed the advanced guard of the column, and at three o'clock in the afternoon met near Hirschstetten, the left wing of the enemy, which consisted mostly of cavalry.

At about this time the first and second columns advanced intrepidly upon Aspern, and the enemy began to fall back to his position between Essingen and Aspern, lieutenant general Hohenzollern ordered up his batteries, and a very brisk cannonade commenced on both sides.

The first line formed in close columns of battalions, and advanced with the greatest resolution upon the enemy, when his cavalry suddenly rushed forward in such disproportionate numbers and with such rapidity, that there was scarcely time to save the artillery which had been brought up, and the battalions were left to defend themselves by their own unsupported exertions. This was the remarkable moment in which the regiments of Zach, Joseph Colloredo, Zettwitz, Froon, a battalion of Stein's and the second battalion of the Archduke Charles's legion, under the conduct of lieutenant general Brady, and generals Buresch, Mater and Koller, demonstrated with unparalleled fortitude what the fixed determination to conquer or die is capable of effecting against the most impetuous attacks.

The enemy's cavalry turned these battalions on both wings, penetrated between them, repulsed the squadrons of O'Reilly's light horse, who were unable to

withstand such a superior force, and in the confidence of victory, summoned these corps of heroes to lay down their arms. A well directed and destructive fire was the answer to this degrading proposition, and the enemy's cavalry abandoned the field, leaving behind them a considerable number of dead.

This corps, as well as the others, passed the night on the field of battle.

FOURTH AND FIFTH COLUMNS.

They were both composed of the corps of lieutenant general Prince Rosenberg, on either bank of the Russbach, and directed their march from their position to the right and left of Deutsch Wagram.

The fourth proceeded through Rochsdorf straight to Esslingen. Colonel Hardegg of Schwatzenberg's hulans conducted the advanced guard.

The fifth directed its march towards the left, in order to go a circuit round the little town of Enzersdorf, and drive the enemy out of the place. It was reinforced by Stipsic's hussars, under the command of colonel Frolich. Lieutenant general Klenau led the advanced guard of both columns.

As this circuit round Enzersdorf obliged the fifth to describe a longer line, it was necessary for the fourth to advance rather more slowly.

Enzersdorf, however, was quickly taken possession of by a detachment of Stipsic's hussars, and of the Wallacho Illyrian frontier regiment, as it was already for the greatest part evacuated by

the enemy, from whom no more than 30 prisoners could be taken.

Both columns now received orders to advance upon Esslingen.

The fourth in close columns of battalions of Czartorisky's, archduke Louis's and Coburg, who were twice successively attacked by upwards of two thousand of the enemy's heavy cavalry; but these were each time put to flight by our brave infantry with considerable loss.

Of the fifth column, two battalions of Chasteler's advanced directly upon Esslingen, while two battalions of Bellegarde's were ordered to penetrate the left bank of the village, and the small contiguous wood. Two battalions of Hiller's and Sztarray's, besides the archduke Ferdinand's and Stipsic's regiments of hussars, and two divisions of Rosenberg's light horse, were in the plain in readiness to support them.

These combined attacks were made twice successively with uncommon intrepidity, the enemy's troops were repulsed at all points, and driven into the village of Esslingen which had been set on fire. But as the enemy's army was drawn up in several lines between Esslingen and Aspern, and met each new attack with fresh reinforcements, because the safety of his retreat depended on the possession of this village; our troops were obliged to abandon it at the approach of night, and to await, under arms, the arrival of morning.

The reserve corps of cavalry had marched in two columns, under the command of general Prince of Lichtenstein, and advanced upon the New-Inn be-

tween Raschdorf and Breitenlee. General Count Wartensleben with Blankenstein's hussars, conducted the advanced guard.

No sooner did the enemy perceive the general advance of the army, than he placed the bulk of his cavalry, supported by some battalions of infantry, in order of battle between Esslingen and Aspern, and commenced a brisk cannonade upon the columns of Austrian cavalry as they advanced.

Prince Lichtenstein directed his columns to march forward in two lines, on which the enemy detached four or five thousand cavalry from his position to the right by way of Esslingen, and excited some apprehension that he would impede the progress of the fourth column, or even break through it. The Prince, therefore, ordered four regiments to the left, and kept the second column formed in two lines, till he was convinced that the fourth would not meet with any impediment to its march.

During this movement the remainder of the enemy's cavalry, also advanced with the greatest confidence, towards the right wing of the Austrians. They were received with a firmness which they probably did not expect. The intrepidity of the cavalry which had marched up, particularly Maurice Lichtenstein's regiment and the archduke Francis's cuirassiers, the former headed by its gallant colonel Roussel, frustrated the repeated assaults of the enemy by counter attacks, by which they at length put a stop to his impetuous advance, and completely repulsed him with considerable loss. In these conflicts the French general of division,

Duresnel, equerry to the emperor, was taken prisoner a few paces from him, as was also general Foulér, equerry to the empress, after having been slightly wounded. Notwithstanding the fire of musquetry which now ensued, the Prince ordered a general advance, by which the enemy was straitened in the alignment between Esslingen and Aspern, but on account of the flanking fire from Esslingen, could not be pursued any further. The fire of his guns was answered with spirit by the horse artillery. About seven in the evening, three thousand horse were again detached towards the point of union between the cavalry of the corps of reserve and the left wing of Prince Hohenzollern, and fell *en masse* upon the brigades of cuirassiers of generals Kroyher, Klary, and Siegenthal; but by the steady intrepidity of the Blankenstein's and Riesch's regiments, who with the utmost gallantry made a sudden attack on the enemy's flanks, his cavalry was again repulsed, and part of it, which had fallen upon some of the regiments of the new levies, placed in the third line, was cut off, and there taken.

Meanwhile night came on, and it was passed by the Prince in the best state of preparation on the ground which he had gained from the enemy.

For the first time Napoleon had sustained a defeat in Germany. From this moment he was reduced to the rank of bold and successful generals, who, like himself, after a long service of destructive achievements, experienced the vicissitudes of fortune.—The charm of his invincibility was dissolved. No longer the *spoiled child* of fortune; by pos-

terity he will be characterized as the sport of the fickle goddess. New hopes begin to animate the oppressed nations. To the Austrian army the 21st of May was a grand and glorious epoch, that must inspire it with a consciousness of its strength, and a confidence in its energies. Overwhelmed by our irresistible infantry, its proud opponents were extended in the dust, and the presence of their hitherto unconquered emperor was no longer capable of snatching from the heroes of Austria the laurels which they had acquired.

Napoleon's glory was obviously at stake. New efforts were to be expected the following day; but he was also obliged to fight for his existence. By means of fire ships sent down the Danube, the archduke had caused the enemy's bridge on the Lobau to be broken down, and its repairs would take up several hours. Meanwhile Napoleon had already in the evening been joined by the corps of general Oudinot; and all the disposeable troops followed from Vienna and the Upper Danube, and were transported across the river in vessels as fast as they arrived. The archduke on his part, ordered the grenadier corps which had not had any share in the first engagement, to advance from its position near Gerosdorf to Breitenlee; and the short night was scarcely sufficient to complete the respective preparations for the commencement of a second tragedy.

BATTLE OF THE 22D OF MAY.

Corps of lieutenant general Hiller.

With the morning's dawn the

enemy renewed his attacks, which far surpassed in impetuosity those of the preceding day. It was a conflict of valour and mutual exasperation. Scarcely had the French guards compelled general Wacquand to abandon Aspern, when the regiment of Klebek again penetrated into the burning village, drove back the choicest troops of the enemy, and engaged in a new contest in the midst of the conflagration, till, at the end of an hour it was also obliged to give way. The regiment of Benjovsky now rushed in, and at the first onset gained possession of the church-yard, the walls of which field-marshal lieutenant Hiller immediately ordered the first division of pioneers to pull down, and the church, together with the parsonage, to be set on fire. Thus was this regiment, supported by some battalions, commanded by general Bianchi, at length enabled to maintain itself at the entrance of the village, after overcoming the resistance, bordering on despair, opposed by the flower of the French army.

Neither could the enemy produce any farther effect upon the bushy meadows, after lieutenant general Hiller had ordered the force there to be supported by two battalions of Anton Mitrowsky's and a battery; on which the Jagers, St. George's, and two battalions of Vienna volunteers, drove him from his advantageous position, which he never afterwards attempted to recover.

As about this time the left wing of the corps was likewise placed in security by three batteries sent by the lieutenant general, to support the general of cavalry, count Bellegarde, and the latter maintained his ground

against the most desperate attacks of the enemy: the lieutenant general Hiller kept his position on the left flank of the enemy, and the victory was decided in this quarter. The corps was therefore again formed in two lines, and thus awaited the approaching events.

*Corps of the General of Cavalry,
Count Bellegarde.*

Count Bellegarde having received a message from general Wacquand that the enemy was assembling in force before Aspern, towards the bushy meadow, and apparently had in view an assault upon that point, was just going to throw a fresh battalion of Argenteau's into Aspern, when the enemy, in heavy columns of infantry and cavalry, supported by numerous artillery, began to advance upon the centre of the corps in the plain.

The troops stationed at Aspern, exhausted as they were with the incessant fire kept up during the night, were unable to withstand the impetuosity of the attack: their ammunition both for artillery and musquetry began to fail, and general Wacquand retreated in good order to the church-yard.—This post, gained at so dear a rate was again taken from him, after several attacks sustained in conjunction with lieutenant general Hiller; the place was alternately taken and lost, till at length the superiority of our fire obliged the enemy to abandon the houses, and a last assault of Hiller's corps prevented all farther attempts.

From the moment of the retaking of Aspern it became possible to oppose an offensive move-

ment to the enemy advancing upon the centre, and to open upon his left flank a communication. The defence of Aspern was therefore left entirely to Hiller's corps, and while count Bellegarde applied his right wing on Aspern, he formed his left and the centre in the direction of Esslingen, in such a manner that, by degrees, he gained the right flank of the enemy, compelled him to retreat, and, by the complete effect of the artillery, brought to bear upon the left wing, which commanded the whole space from Aspern to Esslingen gave him a most severe defeat.

*Corps of lieutenant General the
Prince of Hohenzollern.*

The dawn of morning was with this corps, also the signal for the renewal of the gigantic conflict. The enemy's infantry was drawn up in large divisions, and between it the whole of the heavy cavalry was formed en masse. The general of cavalry, Prince Lichtenstein, on observing this order of battle, perceived the necessity of keeping up a close communication with the infantry placed near him; he therefore drew up his right wing *en echiquier*, behind the corps of infantry, but kept his left wing together, with reserves posted in the rear.

A prodigious quantity of artillery covered the front of the enemy, who seemed desirous to annihilate our corps by the murderous fire of cannon and howitzers. Upwards of two hundred pieces of cannon were engaged on both sides, and the oldest soldiers never recollect to have witnessed so tremendous a fire. Vain was

every effort to shake the intrepidity of the Austrian troops. Napoleon rode through his ranks, and according to the report of the prisoners, made them acquainted with the destruction of his bridge, but added, that he had himself ordered it to be broken down, because in this case there was no alternative, but victory or death. Soon afterwards the whole of the enemy's line put itself in motion, and the cavalry made its principal attack on the point where the corps of cavalry of Prince Lichtenstein communicated with the left wing of lieutenant-general the Prince of Hohenzollern. The engagement now became general; the regiments of Rohan, D'Aspre, Joseph Colloredo and Stain, repulsed all the attacks of the enemy. The generals were every where at the head of their troops, and inspired them with courage and perseverance. The Archduke himself seized the colours of Zach's, and the battalion which had already begun to give way, followed with new enthusiasm his heroic example. Most of those who surrounded him were wounded; his adjutant-general, count Colloredo, received a ball in his head, the wound from which was considered dangerous, a squeeze of the hand signified to him the concern of his sympathising commander, who, filled with contempt of death, now fought for glory and for his country.

The attacks of our impenetrable corps, both with the sabre and the bayonet, so rapidly repeated and so impetuous, as to be unparalleled in military annals, frustrated all the intentions of the enemy.

He was beaten at all points, and astonished at such undaunted intrepidity, he was obliged to abandon the field of battle.

About this time lieutenant-general the prince of Hohenzollern observed on the left wing, near Esslingen, a chasm, which had been formed during the heat of the engagement, and afforded an advantageous point of attack. Frelich's regiment, commanded by colonel Mecsery, was ordered thither in three corps, and repulsed four regiments of cavalry, accompanied with infantry and artillery. The corps remained in the position which they had taken, till the grenadiers of the reserve which the Archduke had ordered forward from Bietenlee, arrived to relieve the battalions exhausted with the sanguinary conflict, and continued the attack upon the centre of the enemy's position. Lieutenant-general D'Aspre penetrated with the four battalions of grenadiers of Pizezinsky, Putean, Scovaux, and Scarlach, without firing a shot, to the enemy's cannon, where he was flanked by such a destructive fire from Esslingen, that nothing but the presence of the Archduke, who hastened to the spot, could have induced his grenadiers to maintain their ground. Captain count Dombasle, had already reached the enemy's battery, when he was wounded by two balls, and quitted the field.

About noon the Archduke ordered a new assault upon Esslingen, which was immediately undertaken by field-marshal lieutenant D'Aspre with the grenadier battalions of Kirchenbetter and Scovaux on the left, and Scarlach and Gregory in front.

Five times did those gallant troops rush up to the very walls of the houses burning internally and placed in a state of defence ; some of the grenadiers thrust their bayonets in the enemy's loopholes ; but all their efforts were fruitless, for their antagonists fought the fight of despair.

The Archduke ordered the grenadiers to take up their former position, and when they afterwards volunteered to renew the assault, he would not permit them, as the enemy was then in full retreat.

CORPS OF THE FIELD MARSHAL
LIEUTENANT PRINCE ROSEN-
BERG.

Both divisions of this corps, which, in advancing to the engagement, had composed the fourth and fifth columns, were formed before break of day, for a new attack, for which the enemy likewise made preparations on his side, but with a manifest superiority in numbers.

Prince Rosenberg resolved to attack the village of Esslingen, with the Archduke Charles's regiment of infantry, to push forward his other troops in battalions, and in particular to go and meet the enemy, who was advancing in the open country between Esslingen and the nearest arm of the Danube.

The village was already gained and battalions advancing on the left, obliged the enemy, drawn up in several lines, to yield. The most violent cannonade was kept up incessantly on both sides,

and it was sustained by the troops with the greatest fortitude.

Favoured by a fog which suddenly came on, the enemy's heavy cavalry ventured to attack on all sides the corps formed by Sztarray's and Hiller's regiments of infantry. These brave fellows received him with fixed bayonets, and at the last moment poured in their fire with such effect, that the enemy was compelled to betake himself to flight with considerable loss. Five times were these attacks on Sztarray's and Hiller's regiments repeated, and each time they were repelled with equal courage and resolution. The cavalry contributed all that lay in their power to the pursuit of the enemy, and the support of the infantry.

Coburg's, the Archduke Louis's, and Czatorisky's regiments belonging to the division of lieutenant-general Dedovich, stationed on the right, renewed the exertion of the preceding day with the same distinction, and the same success. After this severe conflict, the enemy seemed to have no inclination to expose himself to any fresh disaster, and confined himself merely to the operation of his superior artillery.

About eleven A. M. Prince Rosenberg received orders from the Archduke, commander in chief, to make a new attack upon Esslingen, and a message to the same effect was sent to lieutenant general Dedovich, who commanded the right division of this corps.

Prince Rosenberg, immediately formed two columns of attack under the conduct of lieutenant-generals Princes Hohenlohe and

Rohan, while lieutenant-general Dedovich advanced against the citadel of the place, and the magazines surrounded with walls and ditches.

The attack was made with redoubled bravery, and our troops rushed with irresistible impetuosity into the village. Still, however they found it impossible to maintain this post, into which the enemy kept continually throwing in new reinforcements, which was of the utmost importance for covering his retreat, which he had resolved upon and which he defended with an immense sacrifice of lives. Prince Rosenberg therefore resolved to confine himself to the obstinate maintenance of his own position, to secure the left flank of the army, and to increase the embarrassment of the enemy by an incessant fire from all the batteries.

In the night between the 22d and 23d the enemy accomplished his retreat to the Lobau, and at three in the morning his rear guard also had evacuated Esslingen and all the points which he had occupied on the left bank of the Danube. Some divisions pursued him closely, and took possession as near as possible of the necessary posts of observation.

Thus terminated a conflict of two days, which will be ever memorable in the annals of the world, and in the history of war. It was the most obstinate and bloody that has occurred since the commencement of the French revolution.

It was decisive for the glory of the Austrian arms, for the preservation of the monarchy, and

for the correction of public opinion.

The infantry has entered upon a new and brilliant career, and by the firm confidence it has manifested in its own energies, has paved the way to new victories. The enemies cavalry has seen its acquired, but hitherto untried glory dissipated by the masses of our battalions, whose cool intrepidity it was unable to endure.

Cavalry and artillery have surpassed themselves in valour, and in the space of two days have performed achievements sufficient for a whole campaign.

Three pieces of cannon, seven ammunition waggons, 17,000 French muskets, and about 3000 cuirasses, fell into the hands of the conqueror. The loss on both sides was very great: this, and the circumstance that very few prisoners were taken by either party, proves the determination of the combatants either to conquer or die.

The Austrian army laments the deaths of eighty seven superior officers, 4199 subalterns and privates.

Lieutenant-generals prince Rohan; Dedovich, Weber, and Frenel, generals Winzingerode, Grill, Neustadter, Slegenthal, Colloredo, May, Hohenfeld, and Buresch, six hundred and sixty-three officers, and 15,651 subalterns and privates were wounded. Of these field marshal lieutenant Weber, eight officers, and 829 men were taken prisoners by the enemy.

The loss of the enemy was prodigious, and exceeds all expectation. It can only be accounted for by the effect of

our concentric fire on an exceedingly confined field of battle, where all the batteries crossed one another, and calculated by the following authentic date :

Generals Lasnes, D'Espagne, St. Hillaire, and Albuquerque are dead ; Massena, Bessieres, Montor, Boudet, Legrand, Lasalle, and the two brothers Legrange, wounded ; Durosnei and Foulcr taken.

Upwards of 7000 men, and an immense number of horses were buried in the field of battle : five thousand and some hundred wounded lie in our hospitals. In Vienna and the suburbs there are at present 29,773 wounded ; many were carried to St. Polten, Enns and as far as Lintz : 2300 were taken. Several hundreds of corpse floated down the Danube, and are still daily thrown upon its shores ; many met their death in the island of Lobau, and since the water has fallen in the smaller arms of the river, innumerable bodies, thus consigned by their comrades to everlasting oblivion, have become visible. The burying of the sufferers is not yet over, and a pestilential air is wafted from the theatre of death.

His imperial highness, the generalissimo has indeed undertaken the duty so dear to his heart, of acquainting the monarch and the country with the names of those who took the most active share in the achievements of these glorious days ; but he acknowledges with profound emotion, that amidst the rivalry of the highest military virtues, it is scarcely possible to distinguish the most valiant, and declares all the soldiers of Aspern worthy of public gratitude.

His imperial highness considers the intelligent dispositions of the chief of his staff, general Baron Wimpfen, and his incessant exertions, as the foundation of his victory.

The officers commanding corps have rendered themselves deserving of the highest favours by uncommon devotedness, personal bravery, warm attachment to the sovereign, and their high sense of honor.

Their names will be transmitted to posterity with the achievements of the valiant troops who were under their direction. Colonel Smola, of the artillery, by his indefatigable activity in the proper application of the ordnance, and his well known bravery, rendered the most important services.

The commanding officers of corps and columns have furnished the following list of the generals, staff, and superior officers, who particularly distinguished themselves.

[Here follow a list of officers, who distinguished themselves, which is uninteresting to the American reader. We observe in the commendations, that the medal of praise is alike given to the soldier or the general, by publishing the name of the former with his achievements.]

Lieutenant general count Kleinau, who exhibited fresh proofs of his well known valour, both in the reconnoissance of the 20th, and in the engagements of both days, bestows particular commendation on the conduct of colonel Trapp of the staff of colonel Hardegg of Schwarzenberg's hulans, of major Scheibler of Rosenberg's light-horse, of lieutenant colonel

Lutz, and lieutenants Laghetty and Mauz, of the first battalion of jagers.

Lieutenant General baron d'Aspre, at the head of his brave grenadiers, whom he led with the most determined intrepidity into fire, deems, lieutenant colonel Bissinge and majors Puteany, Kirchenbetter, and Winiawsky worthy of particular commendation. Sub-lieutenant count Rezewusky, distinguished himself in a manner that does him the highest honour. This young man was captain in the Austrian militia, and being afraid at the commencement of the war that he should be obliged to remain with his battalion in the interior, he endeavoured to procure his removal to a regiment of light horse; and as there was no vacancy, he entered as Cadet and Volunteer into Kienmayer's husars, in which he was soon promoted to a Sub-lieutenancy.

On the attack of the grenadiers he voluntarily accompanied lieutenant general d'Aspre into the thickest of the fire, and when the field marshal's horse was shot under him, he sprung from his and presented it to him with these words: "You want him more than I." He then joined on foot in the assault made by the grenadiers, till a wound which he received put an end to his exertions. As a reward for such extraordinary zeal, his Imperial Highness has appointed sub-lieutenant count Rezewusky captain in the Hulans.

Many individual traits of heroism are not yet known, and consequently cannot be recorded.—Thus corporal Prager of Zettivitz, took prisoner one of the enemy's chief's d'Escadron before

the mass of his battalion.—Corporals Donner and Horner, and the privates Pressich, Hirma, and Schmerha, of the battalion of prince Kinsky's legion, were cut off by a fire of musketry from their corps, and surrounded by the enemies cavalry: they fought their way through, and rejoined their battalion. The Oberjager Fickerberger and the Untejager Schasser of the second battalion of Jagers, penetrated into the French Emperor's guard, and seized one of the enemy's captains in the midst of his ranks. The private Larda, of duke Albert's cuirassiers, retook a six pounder which had fallen into the enemy's hands, and brought it back with its equipage. Serjeant Pap, of Chesteller's, snatched the colours of his battalion from the hands of the dying first lieutenant Cazan, who had himself taken it from the ensign who had been killed, and headed his troop with the most exemplary intrepidity. Among the artillery there are few but what highly distinguished themselves by deeds of the noblest daring and contempt of every danger.

But a grateful country will not fail to hold in honourable remembrance the departed heroes who found death in the arms of victory. In this number those particularly worthy of mention are, colonel de Fiennes of Bellegarde's; major Danzer of O'Reilly's; major Gernech, of Froon's; captain Charles Kaifer and Konovsky of Rosenberg; captain serjeant of Reuss-Greyz's; 1st. lieutenant Cazan of Chasteller's; and lieutenant Zakazil, of the artillery, who displayed the most extraordinary proofs of valour,

and with his dying breath recommended his widow to the paternal care of his majesty.

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A FRENCH ACCOUNT OF THE SAME TRANSACTION.

On the night of the 20th the emperor crossed the Danube, accompanied by Berthier, Massena, and Lasnes—they took a position on the 21st, on the left bank; the right wing was at the village of Essling, and the left at Grossassperen—Both these villages were taken. At noon on the 21st, the enemy shewed themselves, and attempted to drive our advanced guard into the river—Vain attempt!

The duke of Rivoli was at first attacked at Grossassperen, by Bellegarde—he manœuvred with Molitor's and Legrand's divisions, and rendered all their attacks abortive. The duke of Montebello defended Essling—the duke of Istria covered the flank with cavalry. The action was severe, the enemy having 200 cannon and 90,000 men, being the remains of their armies.

General D'Espagne divided his corps into squares, but he was killed with a musket ball at the head of his troops, and general Foulers was also killed. General Nansoutz arrived in the evening on the field of battle, and distinguished himself highly. At eight in the evening the battle ended, and we remained masters of the field. During the night Oudinot's corps, Hillaire's division, and two brigades of cavalry, crossed from the right bank to the left. On the 21st, at four

p. m. the duke of Rivoli was engaged with the enemy, who made several successive attacks on the village: but Rivoli at last completely defeated them. The enemy occupying a large space between the right and left wings, we took the resolution of penetrating their centre. The duke of Montebello headed the charge. Oudinot was on the left, St. Hillaire in the centre, and Boudet on the right. The centre of the enemy could not withstand us—in a moment all was overthrown.

The duke of Istria made several fine charges. It seemed all over with the Austrian army, when at seven in the morning an Aide-de-Camp of the emperor came to inform him that the rising of the Danube had drifted a great number of booms, which in consequence of the events at Vienna had been cut down and laid on the bank, and that they had broken down the bridges, which communicated from the right bank with the little island, and with the island In-der-Lobau.

All the reserve corps which were advancing were upon the right bank, as also part of our heavy cavalry, and all Auerstadt's corps. In consequence of this shocking accident the emperor resolved to stop the troops from advancing. He ordered the duke of Montebello to stop on the field of battle, and take his position with his left wing against a curtain which the duke of Rivoli covered, and the right wing at Essling—The cannon, infantry, and cartridges which belonged to our parks, could not be brought over. The enemy was in great disorder just at the moment when he learnt our bridges had been

broken down.—The slackening of our fire, and the concentrating of our army, left him no doubt respecting the unforeseen accident that had happened. All his cannon and artillery equipage were again brought in line, and from nine A. M. till seven P. M. he made the greatest efforts, supported by 200 cannon, to overthrow the French army—but all his efforts turned only to his discomfiture. Three times he attacked the villages, and three times he filled them with his dead. The enemy resumed the position which they had left before the attack began, and we remained masters of the field of battle.—Their loss has been great—Prisoners who have been taken say, that they lost 23 generals and 60 superior officers. Marshal Weber and 1500 prisoners are in our hands. Our loss has also been very considerable—1100 killed and 3000 wounded. The duke of Montebello, (Lasnes) was wounded by a cannon ball in the thigh on the 22d, in the evening. General Hillaire is also wounded. General Durosnel was killed.—The waters of the Danube did not permit the bridges to be rebuilt during the night, and the emperor ordered the army to pass the little arm from the left bank, and to take a position on the island of In-der-Lobau. We are labouring to replace the bridges, and nothing will be undertaken till they are replaced.

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FRENCH OFFICIAL ACCOUNT OF
THE BATTLE OF WAGRAM.

Wolkersdorf, July 8, 1809.

The works raised by general Count Bertrand, and the corps

he commands, had since the beginning of the month, entirely subdued the Danube. His majesty instantly resolved to collect his forces in the island of Lobau, open upon the Austrian army, and bring on a general engagement. It was not because the position of the French army was not a very fine one at Vienna. Master of the whole right bank of the Danube, having in his power Austria, and a considerable portion of Hungary, he enjoyed the greatest plenty. If some difficulties had been experienced in providing sustenance for the people of Vienna, this arose from an ill organized administration, from embarrassments which were every day diminishing, and from difficulties which were naturally produced by the situation in which the country was placed, in a land in which the trade in corn is an exclusive privilege of the government. But how could the troops continue to be separated from the hostile army, by a canal of three or four hundred toises in breadth, when the means of passing over had been prepared and secured? This would have given credibility to the impostures which the enemy had scattered with so great profusion throughout his own and neighbouring countries: this would have cast a doubt over the occurrences at Essling, and would finally have authorised the supposition of there being, in fact, a substantial equality between armies so different, of which one was animated and in some measure reinforced by multiplied successes and victories, while the other was dispirited by the most striking reverses.

All the intelligence collected concerning the Austrian army

shewed that it was considerable; that it had been recruited by numerous bodies of reserve, by the levies from Moravia and Hungary, and by all the *landwehrs* (fencibles) of the provinces; that its cavalry had been re-mounted by requisitions in all the circles, and its draughts of artillery tripled by immense levies of horses and carriages in Moravia, Hungary, and Bohemia. To add new chances in their favour, the Austrian generals had raised military works, of which the right was protected by Gros-Aspern, and the left by Enzersdorf. The villages of Aspern, Essling, and Enzersdorf, and the intervals between them were covered by redoubts, surrounded by pallsades and frizes, and defended by more than 150 pieces of battering cannon, taken from the fortresses of Bohemia and Moravia.

It was inconceivable how the emperor, with his experience in war, could think of attacking works so powerfully defended, backed by an army estimated at 200,000 men, as well troops of the line as militia and new raised levies, and who were supported by 800 or 900 pieces of field artillery. It appeared more simple to throw some fresh bridges over the Danube, a few leagues lower down, and thus render useless the field of battle prepared by the enemy. But in this latter case it was not thought practicable to avert the inconveniencies which had already nearly proved fatal to the army, and succeed in the course of two or three days in protecting these new bridges from the machines of the enemy.

On the other side the emperor was tranquil. Works were raised upon works in the island of Lo-

bau; and several bridges on piles, and several rows of stoccadoes, were fixed at the same place.

This situation of the French army, placed between these two great difficulties, had not escaped the enemy. He was aware that his army, too numerous and unwieldy, would be exposed to certain destruction if he acted on the offensive: but, at the same time, he believed that it was impossible to dislodge him from the central position in which he covered Bohemia, Moravia, and a part of Hungary. It is true that this position did not cover Vienna, and that the French were in possession of this capital. But this possession was, in a certain degree, disputed, since the Austrians remained masters of one bank of the Danube, and prevented the arrival of the articles most indispensable to the subsistence of so great a city. These were the reasons of hope and fear, and the subject of conversation in the two armies.

On the 1st of July, at 4 o'clock of the morning, the emperor removed his head-quarters to the island Lobau, which had been already named by the engineers, the island Napoleon. A small island to which had been given the name of the Duke of Montebello, and which bore upon Enzersdorf, had been furnished with ten mortars and twenty 18 pounders. Another island, called Island Espagne, had been supplied with six pieces of battering cannon (12 pounders) and four mortars. Between these two islands, a battery had been raised, equal in force to that of the island Montebello, and in like manner bearing upon Enzersdorf.—These 62 pieces of battering artillery had the same

object, were in two hours to destroy the little town of Enzersdorf, drive away the enemy, and demolish the works. On the right, the island Alexander, with four mortars, two ten pounders, and twelve six pounders (battering cannon) were to bear upon the plain and protect the operations of the bridges.

On the 2d, the aide-de-camp of the duke de Rivoli passed over to the Mill Island with 500 voltigeurs, and took possession of it. This island was also furnished with cannon. It was joined to the continent on the left side by a small bridge. In the front a little *fleche* was raised, and this redoubt was called *Petit*.

In the evening the redoubts of Essling appeared to be jealous of these works: not doubting that they were a first battery, formed to act against themselves, they fired upon them with great activity. This was precisely the intention in having seized this island. The attention of the enemy was to be drawn to this point, in order to conceal from him the operations really proposed.

The bridge of a single piece, the first of the kind which has hitherto been made, was fixed in less than five minutes, and the infantry passed over it with great rapidity.

Captain Bazelle fixed a bridge of boats in an hour and a half.

Captain Payerimoffe formed a bridge of rafts in two hours.

Thus, at two o'clock of the morning, the army had four bridges, and had debouched on the left 1500 toises below Enzersdorf, protected by the batteries, and the right upon Vittau. The corps of the duke de Rivoli formed

ed the left: that of count Oudinot, the centre; and that of the duke of Auerstadt, the right; the corps of Prince de Ponte-Corvo, the Viceroy, and the duke of Ragusa, the guard; and the cuirassiers formed the second line, and the bodies of reserve. Utter darkness, a violent storm, and rain, which fell in torrents, rendered this night as frightful, as it was propitious to the French army, and was about to be glorious to it.

On the 5th, at day break, every one perceived what had been the project of the emperor, who was then, with his whole army, arranged in order of battle at the extremity of the enemy's left, having turned all his entrenched camps, having rendered his works useless, and thus obliging the Austrians to abandon their positions, and come and offer him battle on the spot that was convenient to him. The great problem was thus resolved, and without passing the Danube on other points—without receiving any protection from the works he had raised, he forced the enemy to fight three quarters of a league from his redoubts. From that moment the greatest and happiest results were presaged.

At eight in the morning the batteries which had played upon Enzersdorf had produced such an effect, that the enemy was obliged to let that town be occupied by no more than four battalions. The duke of Rivoli despatched his first aide-de-camp, Sante Croix, against it, who did not meet with a great resistance, and took prisoners all who remained in it.

Count Oudinot surrounded the castle of Sachsengang, which the

enemy had fortified, forced 900 men who defended it to capitulate, and took 12 pieces of cannon.

The emperor then caused the whole army to spread itself along the immense plain of Enzersdorf.

BATTLE OF ENZERSDORF.

In the mean while, the enemy, confounded in all his projects, gradually recovered from his astonishment, and endeavoured to regain some advantages in this new field of battle. For this purpose he detached several columns of infantry, a considerable number of pieces of artillery, and all his cavalry, as well of the line as the new levies, in order to attempt to out flank the right of the French army. In consequence, he occupied the village of Rutzendorf. The emperor ordered general Oudinot to carry this village, to the right of which he sent the duke of Auerstadt, in order to proceed to the head quarters of prince Charles, going always from the right to the left.

From noon till nine in the evening, the French armies manoeuvred on this immense plain. All the villages were occupied, and when the French had reached the heights of the entrenched camps of the enemy, they fell of their own accord, and as if by enchantment. The duke of Rivoli caused them to be occupied without resistance. It was thus we seized the works of Essling and Gros-Aspern, and the labour of 40 days was of no use to the enemy. He made some resistance in the village of Rasendorf, which the prince of Ponte Corvo caused to be attacked and carried by the Saxons. The enemy was every where overwhelmed by the

superiority of our fire. This immense field of battle was covered with his remains.

BATTLE OF WAGRAM.

Strongly alarmed by the progress of the French army, and the great successes which it obtained, with scarcely any effort, the enemy put all his troops in motion, and at six in the evening, he occupied the following position:—his right from Stadelau to Gerarsdorf, his centre from Gerarsdorf to Wagram, and his left from Wagram to Nusiedel. The French army had its left at Gros-Aspern, its centre at Raschdorf, and its right at Glenzindorf. In this position, the day was nearly at a close, and we had necessarily to expect a great battle on the morrow; but this was to be avoided, and the position of the enemy to be intersected, so as to prevent him from forming any plan, by taking possession, in the night, of the village of Wagram. In this case his line, already of an immense length, being suddenly assailed and exposed to the chances of combat, the different bodies of his army would be dispersed without order or direction, and we should succeed at an easy rate, and without any serious engagement. The attack on Wagram took place, and our troops took possession of the village; but a column of Saxons and a column of French mistook each other in the dark for enemies, and this operation failed.

We then prepared for the battle of Wagram. It appears that the dispositions of the French general and the Austrian general were inverted. The emperor passed the night in accumulating

his forces towards his centre, where he was in person, within cannon-shot of Wagram. With this view, the duke de Rivoli moved upon the left of Aderklau leaving at Aspern a single division, with orders for it to fall back, in case of necessity, upon the isle of Lobau. The duke of Auerstadt received orders to leave unoccupied the village of Grosshofen that night, to approach the centre. The Austrian general, on the contrary, weakened his centre to secure and augment his extremities, which he still farther extended.

On the 6th, at day-break, the prince de Ponte Corvo occupied the left, having the duke of Rivoli in a second line. The viceroy connected him with the centre, where the corps of count Oudinot, that of the duke of Ragusa, those of the imperial guards, and the divisions of cuirassiers formed seven or eight lines.

The duke of Auerstadt marched from the right to reach the centre. The enemy, on the contrary, put Bellegarde's corps in motion for Stadelau. The corps of Collovrath, Lichtenstein, and Hiller, connected their right with the position of Wagram, where prince Hohenzollern was, and with the extremity of the left at Neusiedel, where the corps of Rosenberg *debouched* in order also, to outflank that of the duke of Auerstadt. The corps of Rosenberg, and that of the duke of Auerstadt moving in opposite directions encountered each other with the first rays of the sun, and gave the signal of battle. The emperor instantly repaired to this point, ordered the duke of Auerstadt to be reinforced by the division of the duke of Padua's cuirassiers,

and the corps of Rosenberg to be attacked in flank by a battery of 12 guns, of the division of count de Nansouty. In less than three quarters of an hour, the fine corps of the duke of Auerstadt gave a good account of the corps of Rosenberg, defeating it, and driving it beyond Neusiedel with considerable loss.

In the mean time, a cannonade commenced along the whole of the line, and the enemy's dispositions were every moment discovering themselves. The whole of his left was secured with artillery. One might have said, that the Austrian general was not fighting for victory, but was looking only to the means of improving it. This disposition of the enemy seemed so absurd, that some snare was apprehended, and the emperor delayed some time before he ordered those easy dispositions which he had to make to disconcert those of the enemy, and render them fatal to him. He ordered the duke of Rivoli to make an attack on the village occupied by the enemy, and which somewhat straitened the extremity of the centre of the army. He ordered the duke of Auerstadt to turn the position of Neusiedel, and thence to push on upon Wagram; and he formed the duke of Ragusa's troops, and those of general Macdonald in column, to carry Wagram at the moment the duke of Auerstadt should *debouch*.

While these proceedings were taking place, information was received that the enemy was making a furious attack upon the village carried by the duke of Rivoli; that our left was out-flanked by 3000 toises, that a brisk cannonade was already heard at Gros-

Aspern, and the space between Gros-Aspern and Wagram seemed to be covered with an immense line of artillery. There was no longer any room for doubt. The enemy had committed an enormous fault, and we had only to profit by it. The emperor instantly ordered general Macdonald to form the divisions of Broussier and Lamarque in columns of attack. He ordered the division of Nansouty to be supported by the horse-guards, and a battery of 60 guns belonging to the guards and 40 of different other corps. General count Lauriston, at the head of his battery of 100 pieces of artillery, marched at a trot against the enemy, advanced without firing to within half gun-shot distance, and there opened a prodigious fire, which silenced that of the enemy, and spread death among his ranks. General Macdonald then advanced at the *pas de charge*. The general of division Reille, with the brigade of fuzileers and sharp shooters of the guards, supported general Macdonald. The guards made a change of front, in order to render this attack infallible. In an instant the enemy's centre lost a league of ground; his right became alarmed, and perceiving the dangerous position in which it was placed, rapidly fell back. The duke of Rivoli, at that moment attacked it in front. Whilst the rout of the centre struck consternation into the right of the enemy, and precipitated its movements, the left was attacked and out-flanked by the duke of Auerstadt, who had carried Neusiedel, and who having gained the elevated plain, was marching upon Wagram. The divisions of

Broussier and Gudin covered themselves with glory.

It was then only ten o'clock in the morning; and those who had the least penetration saw that the fate of the day was decided, and that the victory was ours.

At noon, count Oudinot marched upon Wagram, to assist the attack of the duke of Auerstadt. He was successful, and carried that important position. After ten o'clock, the enemy fought only to effect his retreat: at twelve this was manifest; it was conducted in disorder; long before dark the enemy was out of sight. Our left was posted at Jetelsee and Ebersdorf; our centre upon Obersdorf; and the cavalry of our right extended their posts as far as Shonkirchin.

On the 7th at day break, the army was in motion, and marching upon Korneubourg and Walkersdorf, and had some posts near Nicolsborg. The enemy, cut off from Hungary, and Moravia, had been forced to fall back upon Bohemia.

Such is the narrative of the battle of Wagram, a battle decisive and ever memorable, in which from three to four hundred thousand men, and from twelve to fifteen hundred pieces of cannon, contended for great interests upon a field of battle, studied, planned, and fortified by the enemy for several months. Ten pair of colours, 40 pieces of cannon, 20,000 prisoners, including between 3 and 400 officers, and a considerable number of generals, colonels, and majors, are the trophies of this victory. The fields of battle are covered with the slain, among whom are the bodies of several generals, and among

others, one called Norman, a Frenchman, a traitor to his country, who prostituted his talents against her.

All the enemy's wounded have fallen into our hands. Those whom he abandoned at the commencement of the action, were found in the adjacent villages. It may be calculated that the result of this battle, will be that of reducing the Austrian army to less than 60,000 men.

Our loss has been considerable; it is estimated at 1500 in killed, and from three to 4000 wounded.

The duke of Istria, at the moment when he was preparing for an attack with the cavalry, had his horse shot dead by a cannon ball, which fell upon his saddle, and slightly grazed his thigh.

The general of division Lassalle was killed by a musket-ball. He was an officer of the greatest merit, and one of our best light cavalry generals.

The Bavarian general Wrede, and generals Seras, Grenier, Vignolle, Sahue, Frere, and Defrance were wounded.

Colonel prince Aldrobandini was wounded in the arm by a musket-ball; the majors of the guard, Dausmenil and Carbennean, were also wounded; the adjutant-commandant Duprat was killed; the colonel of the 9th infantry of the line fell on the field of battle. That regiment has covered itself with glory.

The officers of the staff are preparing a return of our losses.

A particular circumstance incident to this great battle is, that the columns nearest to Vienna were only about 12,000 toises from it. The numerous population of that capital covered the

turrets, the steeples, the roofs of houses, and every elevated situation to witness this spectacle.

The emperor of Austria left Wolkersdorf on the 6th, at five in the morning, and ascended a tower from which he had a view of the field of battle, and where he remained until midnight. He then set off in haste.

The French head quarters were transferred to Wolkersdorf, on the morning of the 7th.

—

Wolkersdorf, July 9.

The enemy's retreat is a defeat. We have collected a part of his baggage. His wounded have fallen into our hands; we have already counted more than twelve thousand; all the villages are filled with them. In five or six hospitals alone, we have found more than 6000.

The duke of Rivoli (Massena) pursuing the enemy by Stokraw, is already arrived at Hollabrunn.

The duke of Ragusa (Montebello) had at first followed on the road to Brunn, which he quitted at Wolkersdorf, in order to take that of Znaim. At nine o'clock this morning he met at Laa, a rear guard, which he routed—he took 900 of them prisoners. He will be to-morrow at Znaim.

The duke of Auerstadt (Davoust) is arrived to day at Nicolsburg.

The emperor of Austria, prince Anthony, with a suit of about 200 chariots, coaches, and other carriages, slept on the 6th at Erensbrunn, the 7th at Hollabrunn, the 8th at Znaim, whence they set out at 9 of the morning. According to the relation of the

country people who conducted them, their dejection was extreme.

One of the princes de Rohan was found wounded in the field of battle. Lieutenant field marshal Wussakowitz is among the prisoners.

The artillery of the guard covered itself with glory. Major Ahoille, who commanded, was wounded. The emperor has made him general of Brigade. The chief of a squadron of artillery, Grenier, has lost an arm. These intrepid artillery-men displayed all the power of this terrible weapon.

The horse chasseurs of the guard charged, and drove back on the day of the battle of Wagram, three squares of infantry. They took four pieces of cannon. The light horse Poles of the guard, charged a regiment of pike-men. They took the prince of Abersberg prisoner, and captured two pieces of cannon.

The Saxon hussars d'Albert, charged the cuirassiers, d'Albert, and took their colors. It was a very singular thing to see two regiments belonging to the same colonel fighting one against the other.

It appears that the enemy is abandoning Moravia, and Hungary, and is retiring into Bohemia.

The roads are covered with the men belonging to the landwehr and the levy-en-masse, who are returning to their houses.

The losses which desertion is adding to those the enemy has sustained in killed, wounded, and prisoners, are concurring to annihilate his army.

The numerous letters which have been intercepted are a striking character of the discontent of

the hostile army, and the disorder which reigns in it.

Now that the Austrian monarchy is without hope, it would evince being ill acquainted with the character of those who govern it, not to expect that they will humiliate themselves as they did after the battle of Austerlitz. At that epoch, they were, as now, without hope; and they exhausted all their protestations and oaths.

During the day of the 6th, the enemy sent a few hundred men to the right bank of the Danube to make observations. They embarked, after having lost a few men killed or taken prisoners.

The heat was excessive on these days. The heat was almost constantly at 86 degrees.

There are great quantities of wine. In one village 3,000,000 pints were found. It has happily no bad quality.

Twelve of the most considerable villages in the beautiful plain of Vienna, such as are seen in the neighbourhood of a great capital, have been burnt during the battle. The just hatred of the nation is loud against the guilty men who have drawn upon it all these calamities.

The general of brigade, Laroché, entered Nuremberg, on the 8th of June, with a corps of cavalry, and proceeded towards Bayreuth. He met the enemy at Besentheim, charged him with the first provisional regiment of dragoons, and cut in pieces all who opposed him, and took two pieces of cannon.

TWENTY-SEVENTH BULLETIN.

On the 10th the duke of Rivoli (Massena) beat the enemy's rear guard before Hollabrunn.

At noon on the same day, the duke of Ragusa (Marmont) who had arrived on the heights of Znaim, saw the enemy's baggage and artillery filing off towards Bohemia. General Bellegarde wrote to him that prince John of Lichtenstein would repair to the emperor with a mission from his master, for the purpose of treating for peace; and in consequence desired a suspension of arms. The duke of Ragusa replied, that it was not in his power to accede to such a proposition; but that he would acquaint the emperor with it. Meanwhile he attacked the enemy, took from him an excellent position, made some prisoners, and took two colours.

On the morning of the same day, the duke of Auerstadt (Davoust) had passed the Taya opposite Nicolsbourg, and general Grouchy had beaten prince Ro-

senberg's rear, taking 450 men of prince Charles's regiment.

At noon, on the 11th instant, the emperor arrived opposite Znaim. The battle had begun. The duke of Ragusa had attacked the town; and the duke of Rivoli had taken the bridge, and had occupied the tobacco manufactory. In the different engagements this day, we had taken 3000 men, two colours, and three pieces of cannon. The general of brigade Bruyeres, an officer of very great promise has been wounded. The general of brigade, Guiton, made a fine charge with the 10th cuirassiers.

The emperor, informed that prince John of Lichtenstein, who had been sent to him, was arrived within our posts, ordered the fire to cease. The armistice was signed at midnight.

AMERICAN STATE PAPERS.

VOL. VI

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AMERICAN STATE PAPERS.

MESSAGE FROM THE PRESIDENT
OF THE UNITED STATES, TO
BOTH HOUSES OF CONGRESS,
AT THE COMMENCEMENT OF
THE SECOND SESSION OF THE
ELEVENTH CONGRESS.

*Fellow Citizens of the Senate and
of the House of Representatives :*

At the period of our last meeting, I had the satisfaction of communicating an adjustment with one of the principal belligerent nations, highly important in itself, and still more so as presaging a more extended accommodation. It is with deep concern, I am now to inform you, that the favourable prospect has been overclouded, by a refusal of the British government to abide by the act of its minister plenipotentiary, and by its ensuing policy towards the United States, as seen through the communications of the minister sent to replace him.

Whatever pleas may be urged for a disavowal of engagements formed by diplomatic functiona-

ries, in cases where by the terms of the engagements a mutual ratification is reserved; or where notice at the time may have been given of a departure from instructions; or in extraordinary cases, essentially violating the principles of equity; a disavowal could not have been apprehended in a case where no such notice or violation existed; where no such ratification was reserved; and more especially, where, as is now in proof, an engagement, to be executed without any such ratification, was contemplated by the instructions given, and where it had, with good faith, been carried into immediate execution, on the part of the United States.

These considerations not having restrained the British government from disavowing the arrangement, by virtue of which its orders in council were to be revoked, and the event authorising the renewal of commercial intercourse, having thus not taken place; it necessarily became a question of equal urgency and

importance, whether the act prohibiting that intercourse was not to be considered as remaining in legal force. This question being, after due deliberation, determined in the affirmative, a proclamation to that effect was issued. It could not but happen, however, that a return to this state of things, from that which had followed an execution of the arrangement by the United States, would involve difficulties. With a view to diminish these as much as possible, the instructions from the secretary of the treasury, now laid before you, were transmitted to the collectors of the several ports. If in permitting British vessels to depart, without giving bonds not to proceed to their own ports, it should appear that the tenor of legal authority has not been strictly pursued, it is to be ascribed to the anxious desire which was felt, that no individuals should be injured by so unforeseen an occurrence: And I rely on the regard of Congress for the equitable interests of our own citizens, to adopt whatever further provisions may be found requisite, for a general remission of penalties involuntarily incurred.

The recal of the disavowed minister having been followed by the appointment of a successor, hopes were indulged that the new mission would contribute to alleviate the disappointment which had been produced, and to remove the causes which had so long embarrassed the good understanding of the two nations. It could not be doubted, that it would at least be charged with conciliatory explanations of the step which had been taken, and with proposals to be substituted for the rejected arrangement.—

Reasonable and universal as this expectation was, it also has not been fulfilled. From the first official disclosures of the new minister, it was found that he had received no authority to enter into explanations relative to either branch of the arrangement disavowed; nor any authority to substitute proposals, as to that branch, which concerned the British orders in council. And finally, that his proposals with respect to the other branch, the attack on the frigate Chesapeake, were founded on a presumption, repeatedly declared to be inadmissible by the United States, that the first step towards adjustment was due from them; the proposals at the same time, omitting even a reference to the officer answerable for the murderous aggression, and asserting a claim not less contrary to the British laws, and British practice, than to the principles and obligations of the United States.

The correspondence between the department of state and this minister will show, how unessentially the features presented in its commencement have been varied in its progress. It will show also, that forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no farther communications should be received from him. The necessity of this step will be made known to his Britannic majesty through the minister plenipotentiary of the United States in London. And it would indicate a want of confidence due to a government which so well understands and exacts what becomes foreign ministers near it, not to infer that the misconduct of its own repre-

representative will be viewed in the same light, in which it has been regarded here. The British government will learn, at the same time, that a ready attention will be given to communications, through any channel which may be substituted. It will be happy, if the change in this respect should be accompanied by a favourable revision of the unfriendly policy, which has been so long pursued towards the United States.

With France, the other belligerent, whose trespasses on our commercial rights have long been the subject of our just remonstrances, the posture of our relations does not correspond with the measures, taken on the part of the United States, to effect a favorable change. The result of the several communications made to her government, in pursuance of the authorities vested by Congress in the executive, is contained in the correspondence of our minister at Paris, now laid before you.

By some of the other belligerents, although professing just and amicable dispositions, injuries materially affecting our commerce have not been duly controlled or repressed. In these cases, the interpositions deemed proper on our part have not been omitted. But it well deserves the consideration of the legislature, how far both the safety and the honor of the American flag may be consulted, by adequate provisions against that collusive prostitution of it by individuals, unworthy of the American name, which has so much favored the real or pretended suspicions, under which the honest commerce of their fellow citizens has suffered.

In relation to the powers on the coast of Barbary, nothing has occurred which is not of a nature rather to inspire confidence than distrust, as to the continuance of the existing amity. With our Indian neighbors, the just and benevolent system, continued toward them, has also preserved peace, and is more and more advancing habits favorable to their civilization and happiness.

From a statement which will be made by the secretary of war, it will be seen that the fortifications on our maritime frontier are in many of the ports completed; affording the defence which was contemplated, and that a further time will be required to render complete the works in the harbor of New York, and in some other places. By the enlargement of the works, and the employment of a greater number of hands at the public armories, the supply of small arms, of an improving quality, appears to be annually increasing, at a rate, that with those made on private contract, may be expected to go far towards providing for the public exigency.

The act of Congress providing for the equipment of our vessels of war having been fully carried into execution, I refer to the statement of the secretary of the navy for the information which may be proper on that subject. To that statement is added a view of the transfers of appropriations, authorised by the act of the session preceding the last, and of the grounds on which the transfers were made.

Whatever may be the course of your deliberations on the subject of our military establish-

ments, I should fail in my duty in not recommending to your serious attention the importance of giving to our militia, the great bulwark of our security, and resource of our power, an organization the best adapted to eventual situations for which the United States ought to be prepared.

The sums which had been previously accumulated in the treasury, together with the receipts during the year ending on the 30th of September last (and amounting to more than nine millions of dollars) have enabled us to fulfil all our engagements, and to defray the current expenses of government without recurring to any loan. But the insecurity of our commerce, and the consequent diminution of the public revenue, will probably produce a deficiency in the receipts of the ensuing year, for which, and for other details, I refer to the statements which will be transmitted from the treasury.

In the state which has been presented of our affairs with the great parties to a disastrous and protracted war, carried on in a mode equally injurious and unjust to the United States as a neutral nation, the wisdom of the national legislature will be again summoned to the important decision on the alternatives before them. That these will be met in a spirit, worthy the councils of a nation, conscious both of its rectitude and of its rights, and careful as well of its honor as of its peace, I have an entire confidence. And that the result will be stamped by a unanimity becoming the occasion, and be supported by every portion of our citizens, with a patriotism enlightened

and invigorated by experience ought as little to be doubted.

In the midst of the wrongs and vexations experienced from external causes, there is much room for congratulation on the prosperity and happiness flowing from our situation at home. The blessing of health has never been more universal. The fruits of the seasons, though in particular articles and districts short of their usual redundancy, are more than sufficient for our wants and our comforts. The face of our country every where presents the evidence of laudable enterprise, of extensive capital, and of durable improvement. In a cultivation of the materials, and the extension of useful manufactures, more especially, in the general application to household fabrics, we behold a rapid diminution of our dependence on foreign supplies. Nor is it unworthy of reflection, that this revolution in our pursuits and habits is in no slight degree a consequence of those impolitic and arbitrary edicts, by which the contending nations, in endeavoring each of them to obstruct our trade with the other, have so far abridged our means of procuring the productions and manufactures, of which our own are now taking the place.

Recollecting always, that for every advantage which may contribute to distinguish our lot, from that to which others are doomed by the unhappy spirit of the times, we are indebted to that Divine Providence whose goodness has been so remarkably extended to this rising nation, it becomes us to cherish a devout gratitude, and to implore from the same omnipotent source a

blessing on the consultations and measures about to be undertaken for the welfare of our beloved country.

JAMES MADISON.

November 29th, 1809.

DOCUMENTS ACCOMPANYING THE
SAID MESSAGE.

(CIRCULAR.)

Treasury Department, August 9,
1809.

SIR,

You will herewith receive the copy of a proclamation of the President of the United States, announcing that certain British orders in council were not withdrawn on the 10th day of June last, and consequently that the trade renewable, on the event of the said orders being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.

The act "to amend and continue in force certain parts of the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," passed on the 28th day of June, is therefore in every respect applicable to Great Britain and her dependencies, as well as to France and her dependencies; any thing in my circular of 29th June last, to the contrary notwithstanding.

It results that from the receipt of this, you must in every instance, except as herein after expressed, refuse clearances for British ports, requiring, as usual,

bonds from all vessels bound to permitted ports, in the manner provided by the third section of the act abovementioned. But as many British vessels have or may come into the ports of the United States in consequence of the President's proclamation of the 19th April last, he directs that you will permit such British vessels to depart without giving bond, either in ballast, or with the cargo on board when notified of the enclosed proclamation: it being however understood that this indulgence shall not be extended to any other vessels than such as are now in the ports of the United States, or such as may hereafter arrive, having sailed from a foreign port before information of the enclosed proclamation shall have been received at such port.

The President also directs, that until a decision from Congress on that unexpected point shall have been obtained, or until otherwise instructed, seizures or prosecutions for supposed contraventions of either the abovementioned act, or of the non-intercourse act of 1st March last, arising from acts which would, in conformity with his proclamation of the 19th of April last, have been considered as lawful, shall be suspended in the following cases, viz.

1. All vessels which have entered a British port since the 10th of June last, or which may hereafter enter such port, having sailed for the same, before information of the enclosed proclamation had been received at the port of departure; so far as relates to any forfeiture or penalty which may accrue or have accrued by reason of their having thus entered a British port.

2. All vessels which have ar-

rived, either from British ports or with British merchandise in the United States subsequent to the 10th of June last; and also all vessels which may hereafter thus arrive, having sailed for the United States, before information of the enclosed proclamation shall have been received at the port of departure; so far as relates to any forfeiture or penalty accruing from having arrived or arriving in the United States from British ports or with British merchandise.

3. All vessels now owned by citizens of the United States, and sailing under the American flag, which, being in a foreign port at the time when the enclosed proclamation will be made known at such port, shall with all due diligence depart therefrom, and return without delay to the United States; so far as relates to any forfeiture or penalty accruing from their arriving in the United States from British ports, or with British merchandise.

In the abovementioned cases of vessels arriving in the United States, and which are for the present exempted from seizure, the vessels and cargoes may be admitted to entry.

The time when the enclosed proclamation shall have been known at the ports of departure respectively, must be ascertained by the best means in your power; and you may refer doubtful cases to this department.

Application may of course still be made in all cases for an absolute remission of the forfeitures and penalties in the manner provided for by law; the instruction herein given to abstain from prosecutions and seizures in the abovementioned cases, being only in-

tended to prevent the expenses and inconvenience to which the parties concerned would otherwise be exposed.

I am, respectfully, Sir,

Your obedient servant,

ALBERT GALLATIN.

The Collector of

—

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA,

A PROCLAMATION.

Whereas in consequence of a communication from his Britannic majesty's envoy extraordinary and minister plenipotentiary, declaring that the British orders in council of January and November 1807, would have been withdrawn on the 10th day of June last; and by virtue of authority given, in such event, by the eleventh section of the act of Congress, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," I, JAMES MADISON, President of the United States, did issue my proclamation bearing date on the nineteenth of April last, declaring that the orders in council aforesaid, would have been so withdrawn on the said tenth day of June, after which the trade suspended by certain acts of Congress might be renewed; and whereas it is now officially made known to me that the said orders in council have not been withdrawn agreeably to the communication and declaration aforesaid; I do hereby proclaim the same, and consequently that the trade renewable on the event of the

said orders being withdrawn, is to be considered as under the operation of the several acts by which such trade was suspended.

Given under my hand and the seal of the United States, at the city of Washington, the ninth day of August, in the year of our Lord, one thousand eight hundred and nine, and of the Independence of the said United States the thirty-fourth.

JAMES MADISON.

By the President,

R. SMITH,
Secretary of State.

—

MR. CANNING TO MR. PINKNEY.

Foreign Office, May 27th, 1809.

SIR,

According to the intimation which I gave to you in our last conference, I have now the honor to enclose to you a copy of the order in council which his majesty has directed to be issued, for the purpose of preventing as far as possible any inconvenience or detriment to the merchants of the United States, who may have entered into commercial speculations on the faith of the unauthorised engagements of Mr. Erskine previously to the notification in America of his majesty's disavowal of those engagements.

Having had the honor to read to you *in extenso* the instructions with which Mr. Erskine was furnished, it is not necessary for me to enter into any explanation of those points in which Mr. Erskine has acted not only not in

conformity, but in direct contradiction to them.

I forbear equally from troubling you, Sir, with any comment on the manner in which Mr. Erskine's communications have been received by the American government, or upon the terms and spirit of Mr. Smith's share of the correspondence.

Such observations will be communicated more properly through the minister whom his majesty has directed to proceed to America; not on any special mission (which Mr. Erskine was not authorised to promise, except upon conditions not one of which he has obtained;) but as the successor of Mr. Erskine, whom his majesty has not lost a moment in recalling.

I have the honor to be,

With great consideration,
Sir,

Your most obedient humble
servant,

GEORGE CANNING.

To William Pinkney, Esq.

&c. &c. &c.

—

FROM THE LONDON GAZETTE.

May 27th.

At the court at the Queen's Palace, the 24th of May, 1809, present the king's most excellent majesty in council.

Whereas his majesty was pleased, by his order in council of the 26th of April last, to declare certain ports and places of the countries which have been lately styled the kingdom of Holland, to be subject to the restrictions incident to a strict and rigo-

rous blockade, as continued from his majesty's former order of the 11th of November, 1807; and whereas advices have been received of a certain *provisional* agreement entered into by his majesty's envoy extraordinary and minister plenipotentiary in America, with the government of the United States, whereby it is understood that his majesty's orders in council of the seventh of January and of the 11th of November 1807, shall be withdrawn so far as respects the United States, on the 10th of June next.

And whereas, although the said *provisional* agreement is not such as was authorised by his majesty's instructions, or such as his majesty can approve, it may already have happened, or may happen, that persons being citizens of the United States may be led by a reliance on the said *provisional* arrangement, to engage in trade with and to the said ports and places of Holland, contrary to, and in violation of the restrictions imposed by the said orders of the 7th of January and of the 11th of November, 1807, as altered by the order of the 26th of April last; his majesty, in order to prevent any inconveniences that may ensue from the circumstances above recited, is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that the said several orders shall be suspended, so far as is necessary for the protection of vessels of the said United States, so sailing under the faith of the said *provisional* agreement, viz. That after the 9th day of June next, no vessel of the United States, which shall have cleared out, between the 19th of April last, and the 20th of July ensuing,

for any of the ports of Holland aforesaid, from any port of the United States, shall be molested or interrupted in her voyage by the commanders of his majesty's ships or privateers.

And be it further ordered, that no vessels of the United States, which shall have cleared out from any port of America, previous to the twentieth of July next; for any other *permitted* port, and shall, during her voyage, have changed her destination, in consequence of information of the said *provisional* agreement, and shall be proceeding to any of the ports of Holland aforesaid, shall be molested or interrupted by the commanders of any of his majesty's ships or privateers, unless such vessel shall have been informed of this order on her voyage, and shall have been warned not to proceed to any of the ports of Holland aforesaid, and shall, notwithstanding such warning, be found attempting to proceed to any such port.

And it is further ordered, that after the said 9th day of June next, no vessel of the United States, which shall have cleared out for, or be destined to any of the ports of Holland, from any port or place not subject to the restrictions of the said order of the twenty-sixth of April last, after notice of such *provisional* agreement as aforesaid, shall be molested or interrupted in her voyage by the commanders of his majesty's ships or privateers, provided such vessel shall have so cleared out previous to actual notice of this order at such place of clearance, or in default of proof of actual notice previous to the like periods of time, after the date of this order, as are fixed for con-

structive notice of his majesty's order of the eleventh of November, one thousand eight hundred and seven, by the orders of the 25th November, one thousand eight hundred and seven, and of the eighteenth of May, one thousand eight hundred and eight, at certain places and latitudes therein mentioned, unless such vessel shall have been informed of this order on her voyage, and warned by any of his majesty's ships or privateers not to proceed to any port of Holland, and shall notwithstanding such warning, attempt to proceed to any such port.

And his majesty is pleased further to order, and it is hereby ordered, that the said *several orders* of the seventh of January and eleventh of November, one thousand eight hundred and seven as altered by the said order of the twenty-sixth of April last, shall also be suspended, so far as is necessary for the protection of vessels of the said United States which shall clear out to any ports not declared to be under the restriction of blockade from any port of Holland, between the ninth day of June and the first day of July next; provided always, that nothing that is contained in the present order shall extend, or be construed to extend, to protect any vessels or their cargoes, that may be liable to condemnation or detention for any other cause than the violation of the aforesaid orders of the seventh of January and the eleventh of November, one thousand eight hundred and seven, as altered by the said order of the twenty-sixth of April last.

Provided also, that *nothing* in

this order contained shall extend, or be construed to extend, to protect any vessel which shall attempt to enter any port actually blockaded by any of his majesty's ships of war.

And the right honorable the lords commissioners of his majesty's treasury, his majesty's principal secretary of state, the lords commissioners of the admiralty, and the judge of high court of admiralty, and the judges of the courts of vice admiralty, are to take the necessary measures herein as to them may respectively appertain.

STEPHEN COTTRELL.

—

MR. PINKNEY TO MR. CANNING.

Great Cumberland Place, May 29,
1809.

SIR,

I have received the communication which you did me the honor to address to me on the 27th instant and will hasten to transmit it to the secretary of state of the United States.

No instructions or information from my government concerning the transactions in America to which your communication alludes having yet reached me, I can only express my concern that the conciliatory arrangements concerted and concluded, as you have done me the honor to inform me, between the American secretary of state, and his majesty's accredited minister at Washington, acting in consequence, and professing to act in pursuance, of regular instructions from his court, are not likely to have all

that effect which was naturally to have been expected from them.

I have the honor to be,

With great consideration,
Sir,

Your most obedient humble
servant.

WM. PINKNEY.

The right hon. George Canning,
&c. &c. &c.

MR. ERSKINE TO MR. SMITH.

Washington, July 31st, 1809.

SIR,

I have the honor to enclose to you a copy of an order, which was passed by his majesty in council on the 24th of May last.

In communicating this order, it is with the deepest regret that I have to inform you that his majesty has not thought proper to confirm the late provisional agreement which I had entered into with you on the part of our respective governments.

Neither the present time, nor the occasion will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his majesty's wishes; and to the spirit, at least, of my instructions upon that subject; nor indeed, would any vindication of my conduct, (whatever I may have to offer) be of any importance, further than as it might tend to shew that no intention existed on my part to practise any deception towards the government of the United States.

I have the satisfaction, howe-

ver, to call your attention to that part of the enclosed order, which protects the commerce and shipping of the United States, from the injury and inconveniences, which might have arisen to American citizens from a reliance on the provisional agreement before mentioned; and I cannot but cherish a hope that no further bad consequences may result from an arrangement, which I had fully believed would have met his majesty's approbation, and would have led to a complete and cordial understanding between the two countries.

With sentiments of the
highest respect, &c.

D. M. ERSKINE.

The honorable Robert Smith,
&c. &c. &c.

THE SECRETARY OF STATE TO
MR. ERSKINE.

*Department of State, August 9,
1809.*

SIR,

I have just received from Mr. Pinkney a letter, enclosing a printed paper, purporting to be a copy of a despatch to you from Mr. Canning, which states among other things that from the report of your conversations with Mr. Madison, Mr. Gallatin and Mr. Smith it appears:

"1st. That the American government is prepared in the event of his majesty's consenting to withdraw the orders in council of January and November 1807, to withdraw contemporaneously on its part, the interdiction of its harbors to ships of war, and all

non-intercourse and non-importation acts, so far as respects Great Britain, leaving them in force with respect to France and the powers which adopt or act under her decrees.

"2d. That America is willing to renounce, during the present war, the pretension of carrying on in time of war all trade with the enemies colonies, from which she was excluded during peace.

"3d. Great Britain for the purpose of securing the operation of the embargo, and the *bona fide* intention of America, to prevent her citizens from trading with France, and the powers adopting and acting under the French decrees, is to be considered as being at liberty to capture all such American vessels, as may be found attempting to trade with the ports of any of these powers; without which security for the observance of the embargo, the raising it nominally with respect to Great Britain alone, would in fact, raise it with respect to all the world."

I have the honor to request you to favour me with such explanations as your candor will at once suggest, in relation to these imputed conversations.

I forbear to express to you, Sir, the surprise that is felt at the extraordinary pretensions set forth in this letter of instruction, and especially at the expectation that this government would, as a preliminary, recognize conditions, two of which are so manifestly irreconcilable to the dignity and interest of the United States. I, however, would remark, that had you deemed it proper to have communicated *in extenso* this letter, it would have been impossible for the President to have perceived

in its conditions, or in its spirit, that conciliatory disposition, which had been professed, and which, it was hoped, had really existed.

I have the honor to be, &c.

R. SMITH.

The Hon. David M. Erskine,
&c. &c. &c.

—

MR. ERSKINE TO MR. SMITH.

Washington, August 14, 1809.

SIR,

I have the honor to acknowledge the receipt of your letter of the 9th instant, informing me that you had just received a letter from Mr. Pinkney enclosing a printed paper, purporting to be a copy of a despatch to me from Mr. Canning, which states, among other things, "from the report of your conversations with Mr. Madison, Mr. Gallatin, and Mr. Smith it appears :

"1st. That the American government is prepared, in the event of his majesty's consenting to withdraw the orders in council of January and November 1807, to withdraw contemporaneously on its part, the interdiction of its harbors to ships of war, and all non-intercourse and non-importation acts so far as respects Great Britain, leaving them in force with respect to France, and the powers which adopt, or act under her decrees.

"2d. That America is willing to renounce, during the present war, the pretension of carrying on, in time of war, all trade with the enemies colonies, from which she was excluded during peace.

"3d. Great Britain, for the

purpose of securing the operation of the embargo, and the *bona fide* intention of America to prevent her citizens from trading with France and the powers adopting and acting under the French decrees is to be considered as being at liberty to capture all such American vessels as may be found attempting to trade with the ports of any of these powers; without which security for the observance of the embargo, the raising it nominally with respect to Great Britain alone, would, in fact, raise it with respect to all the world."

The explanations which you request from me upon that subject shall be given with candor; and I will proceed, accordingly, to lay before you an abstract of the communications which I made to his majesty's government, relative to the unofficial conversations which I had held with Mr. Madison, (then secretary of state) Mr. Gallatin and yourself, at the time and upon the occasion alluded to by his majesty's secretary of state (Mr. Canning) in that part of his instructions to me of which you inform me you have received a printed copy from Mr. Pinkney.

Upon referring to my despatches, addressed to his majesty's government of the 3d and 4th of December last, in which these communications are detailed, I conclude that the conversations alluded to must have been held some days previous to that period, and were to the following effect.

Mr. Madison (then secretary of state) is represented by me to have urged various arguments tending to prove that the United States had exerted all their efforts to persuade the French government to withdraw their unjust

restrictions upon neutral commerce and that recourse might have been had to measures of more activity and decision against France than mere remonstrances, but that, in the mean time, Great Britain had issued her orders in council, before it was known whether the United States would acquiesce in the aggressions of France, and thereby rendered it impossible to distinguish between the conduct of the two belligerents, who had equally committed aggressions against the United States.

After some other observations, Mr. Madison is stated by me at that time to have added that as the world must be convinced that America had in vain taken all the means in her power to obtain from Great Britain and France a just attention to her rights as a neutral power by representations and remonstrances, that she would be fully justified in having recourse to hostilities with either belligerent, and that she only hesitated to do so from the difficulty of contending with both; but that she must be driven even to endeavour to maintain her rights against the two greatest powers in the world, unless either of them should relax their restrictions upon neutral commerce: in which case, the United States would at once side with that power against the other which might continue its aggressions.

That every opinion which he entertained respecting the best interests of his country led him to wish that a good understanding should take place between Great Britain and the United States, and that he thought that the obvious advantages which would thereby result to both countries

were a sufficient pledge of the sincerity of his sentiments.

These observations, Sir, I beg leave to remark were made to me by Mr. Madison, about a month after the intelligence had been received in this country of the rejection by his majesty's government of the proposition made through Mr. Pinkney by the President for the removal of the embargo as respects Great Britain, upon condition that the orders in council should be withdrawn as respected the United States; and his sentiments were, as I conceived, expressed to me, in order that I might convey them to his majesty's government, so as to lead to a re-consideration of the proposition abovementioned with a view to the adjustment of the differences upon that subject between the respective countries. But I never considered that Mr. Madison meant that the government of the United States would pledge themselves beyond the proposition respecting the embargo as above stated, because that was the extent of the power of the President by the constitution of the United States.

I understood, very distinctly, that the observations of the secretary of state were intended to convey an opinion as to what ought and would be the course pursued by the United States, in the event of his majesty's orders in council being withdrawn.

In these sentiments and opinions you concurred, as I collected from the tenor of several conversations which I held with you at that period.

With respect to the second point, as stated in your letter to be contained in a despatch from Mr.

Canning, I beg leave to offer the following explanation.

In the course of a private interview I had with Mr. Gallatin (the secretary of the treasury) he intimated that the non-intercourse law which was then likely to be passed by the Congress, might be considered as removing two very important grounds of difference with Great Britain, viz. the non-importation act, as applicable to her alone, and also the President's proclamation, whereby the ships of Great Britain were excluded from the ports of the United States, while those of France were permitted to enter, but that by the non-intercourse law, both powers were placed on the same footing. He did not pretend to say that this measure had been taken from any motives of concession to Great Britain; but as in fact, those consequences followed, he conceived they might be considered as removing the two great obstacles to a conciliation.

He adverted also to the probability of an adjustment of another important point in dispute between the two countries as he said he knew that it was intended by the United States to abandon the attempt to carry on a trade with the colonies of belligerents in time of war, which was not allowed in time of peace, and to trust to the being permitted by the French to carry on such trade in peace, so as to entitle them to a continuance of it in time of war.

As it may be very material to ascertain what "trade with the colonies of belligerents," was, in my conception, meant by Mr. Gallatin, as intended to be abandoned by the United States, I feel no hesitation in declaring that I sup-

posed he alluded to the trade from the colonies of belligerents *direct* to their mother country or to the ports of other belligerents, because the right to such trade had been the point in dispute; whereas the right to carry on a trade from the colonies of belligerents to the United States, had never been called in question, and had been recognised by his majesty's supreme court of admiralty; and the terms even upon which such colonial produce might be re-exported from the United States had been formally arranged in a treaty signed in London by the ministers plenipotentiary of both countries, which was not indeed ratified by the President of the United States; but was not objected to as to that article of it which settled the terms upon which such trade was to be permitted.

Such was the substance, Sir, of the unofficial conversations which I had held with Mr. Madison, Mr. Gallatin and yourself, which I did not consider or represent to his majesty's government as intended with any other view than to endeavour to bring about the repeal of the orders in council, by shewing that many of the obstacles which had stood in the way of an amicable adjustment of the differences between the two countries were already removed, and that a fair prospect existed of settling what remained; since the United States exhibited a determination to resist the unjust aggressions upon her neutral rights, which was all that Great Britain had ever required; but I certainly never received any assurances from the American government that they would pledge themselves to adopt the condi-

tions specified in Mr. Canning's instructions as preliminaries; nor did I ever hold out such an expectation to his majesty's government; having always stated to them that in the event of his majesty's thinking it just or expedient to cause his orders in council to be withdrawn, that the President would take off the embargo as respected England, leaving it in operation against France and the powers which adopted, or acted under her decrees, according to the authority which was vested in him at that time by the Congress of the United States, and that there was every reason to expect that a satisfactory arrangement might be made upon the points of the colonial trade which had been so long in dispute between the two countries.

As to the third condition referred to by you, specified in Mr. Canning's instructions, I have only to remark, that I never held any conversation with the members of the government of the United States relative to it, until my late negotiation; or had ever mentioned the subject to his majesty's government, it having for the first time, been presented to my consideration in Mr. Canning's despatch to me of the 23d January, in which that idea is suggested, and is stated to have been assented to by Mr. Pinkney.

It would be unavailing at the present moment to enter upon an examination of the "pretensions set forth in Mr. Canning's letter of instructions" which you are pleased to term "extraordinary."

I consider it, however, to be my duty to declare that, during my negotiation with you which led to the conclusion of the provisional agreement, I found no

reason to believe that any difficulties would occur in the accomplishment of the two former conditions, as far as it was in the power of the President of the United States to accede to the first, and consistently with the explanation which I have before given of the second point : on the contrary I received assurances thro' you that the President would comply (as far as it was in his power) with the first condition, and that there could be no doubt that the Congress would think it incumbent upon them to assert the rights of the United States against such powers as should adopt or act under the decrees of France as soon as their actual conduct or determination upon that subject could be ascertained ; but that, in the mean time, that the President had not the power, and could not undertake to pledge himself in the formal manner required to that effect.

I received also assurances from you, that no doubt could be reasonably entertained that a satisfactory arrangement might be made in a treaty upon the subject of the second condition mentioned in Mr. Canning's instructions, according to my explanation of it in the foregoing part of this letter, but that it necessarily would form an article of a treaty in which the various pretensions of the two countries should be settled.

The third condition you certainly very distinctly informed me could not be recognised by the President, but you added what had great weight in my mind, that you did not see why any great importance should be attached to such a recognition ; because it would be impossible that

a citizen of the United States could prefer a complaint to his government on account of the capture of his vessel while engaged in a trade absolutely interdicted by the laws of his country.

Under these circumstances, therefore finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d of January (which formed but *one part* of his instructions to me) in the formal manner required, I considered that it would be in vain to lay before the government of the United States the despatch in question, which I was at *liberty* to have done *in extenso* had I thought proper : But as I had such strong grounds for believing that the object of his majesty's government could be attained, though in a different manner, and the spirit, at least, of my several letters of instructions be fully complied with, I felt a thorough conviction upon my mind, that I should be acting in conformity with his majesty's wishes, and, accordingly, concluded the late provisional agreement on his majesty's behalf with the government of the United States.

The disavowal by his majesty is a painful proof to me that I had formed an erroneous judgment of his majesty's views and the intention of my instructions ; and I have most severely to lament that an act of mine (though unintentionally) should produce any embarrassment in the relations between the two countries.

It is a great consolation to me, however, to perceive that measures have been adopted by both governments to prevent any losses and obviate any inconveniences which might have arisen to the

citizens or subjects of either country from a reliance on the fulfilment of that provisional agreement; and I cannot but cherish a hope, that a complete and cordial understanding between the two countries may be effected.

I beg leave to add that it would have given me great happiness to have contributed to so desirable an object, and to offer you the assurance of the great respect and high consideration with which I remain,

Sir, your obedient servant,

D. M. ERSKINE.

THE SECRETARY OF THE TREASURY TO MR. ERSKINE.

Washington 13th August, 1809.

SIR,

I do not believe, that in the conversations we have had respecting the practicability of an adjustment of the differences between the United States and Great Britain, we have ever misunderstood one another. Yet as from Mr. Canning's instructions lately published by your government, it would seem that some opinions are ascribed to several members of this administration, which they did not entertain, it appears necessary to ascertain whether on any point a misapprehension can have taken place.

I will forbear making any observations on what in the instructions is called the third condition, since it is not asserted that that inadmissible proposition was suggested at Washington.

The points embraced in Mr. Canning's first proposition formed

the principal topic of our conversations relative to a revocation of the orders in council. Yet in the manner in which that proposition is expressed it goes farther than had been suggested by the members of this administration. It is sufficiently evident from the proceedings of Congress, both previous and subsequent to the unratified agreement of April last, that the United States intended to continue the restrictions on the commercial intercourse with France, whilst such of her decrees as violated our neutral rights continued in force, and to remove those restrictions in relation to Great Britain, in the event of a revocation of the orders in council. But that state of things so far as it related to France, was to result from *our own laws*—known or anticipated by your government when they authorised an arrangement; and it was not proposed by us that the continuance of the non-intercourse with France should be made a condition of that arrangement.—Whilst on that subject, I will add an observation, though perhaps not immediately connected with the object of this letter. I think that the object of that proposition, so far as it agreed with your previous understanding of the intentions of this government, has been substantially carried into effect on our part. It is true, that your government might at the date of the instructions have expected from the incipient proceedings of Congress, that Holland would be embraced by the restrictive laws of the United States. Not only however, was the omission nominal, since American vessels were at the time by the decrees of that country refus-

ed admission into its ports : but under the same construction of our laws by which the commercial intercourse with Holland was permitted, that with Portugal was also considered as legal in the event of that country being occupied by British troops in the name of the prince Regent.

It is therefore principally as respects the second condition which relates to the colonial trade, that erroneous inferences might be drawn from the expressions used in Mr. Canning's instructions. Although the subject must have been mentioned here incidentally, and only in a transient manner, as it is one to which I had paid particular attention, and on which my opinion had never varied, I think that I can state with precision in what view I have always considered it, and must have alluded to it.

1. I never could have given countenance to an opinion that the United States would agree, or that it would be proper to make any arrangement whatever, respecting the colonial trade, a condition of the revocation of the orders in council. The two subjects were altogether unconnected, and I am confident that such a proposition was never suggested either by you, or by any member of this administration. Such an arrangement could be effected only by treaty; and it is with a considerable degree of surprise that I see your government now asking not only resistance to the French decrees, but the abandonment of a branch of our commerce as the price of the revocation of the orders in council. This seems to give a new character to a measure which had heretofore been represented as an act of retalia-

tion reluctantly adopted, and had been defended solely on the ground of a supposed acquiescence on the part of the United States in the injurious decrees of another nation.

2. In the event of a treaty, embracing all the points in dispute, and particularly that of impressments, without which, I trust, no treaty will ever take place, it was my opinion, and I may certainly have expressed it, that if the other subjects of difference were arranged, that respecting the colonial trade would be easily adjusted. I had considered the principles recognized in a former correspondence between lord Hawkesbury and Mr. King, on the subject of the colonial trade, and subsequently again adopted in the treaty negotiated by Messrs. Monroe and Pinkney, as a general basis agreed on under different administrations by both governments, from which neither could now recede, and susceptible only of modifications as to details. The instructions to our ministers in London on that subject, had also been published and were known to your government. I therefore believed that the United States, in the event of a treaty, would still be disposed to wave for the present, in the manner and on the terms contemplated by those instructions, their right to that branch, and to that branch only, of the colonial trade, known by the name of *direct trade*, that is to say, the trade carried directly from belligerent colonies to the belligerents in Europe, when that trade was not permanently, in peace as in war, permitted by the laws of the country to which those colonies belonged. The right to a trade between such co-

lonies and the United States generally, and to that in colonial articles between the United States and other countries, never can, or will in my opinion be abandoned, or its exercise be suspended by this government; on the contrary, it is solely in order to secure, by an express treaty stipulation, that trade against the danger of interruption, and thus by a mutual spirit of accommodation to avoid collisions, that the abandonment of the direct branch can ever be assented to.

Permit me therefore to request, that you will inform me, whether you understood me on those two points, as I certainly meant to be understood; namely, that the relinquishment, during the present war, of what is called the direct trade was alone contemplated; and that no arrangement on that subject was suggested as a condition of the revocation of the orders in council.

I have the honor to be,

With the highest respect
and consideration,

Sir,

Your obedient servant,

ALBERT GALLATIN.

—
MR. ERSKINE TO THE SECRETARY OF THE TREASURY.

Washington August 15th, 1809.

SIR,

I have the honor to acknowledge the receipt of your letter of the 13th instant, in which you have been pleased to say, that although you "do not believe that, in the conversations we have had respecting the practicability

of an adjustment of the differences between the United States and Great Britain, we ever have misunderstood one another; yet as from Mr. Canning's instructions, lately published by my government, it would seem that some opinions are ascribed to several members of this administration which they did not entertain, it appears necessary to ascertain whether on any point a misapprehension can have taken place."

In answer to your enquiries, I have great satisfaction in assuring you, that there appears to have been no misunderstanding respecting the substance or meaning of the conversations which passed between us, stated in Mr. Canning's instructions alluded to.

After the most careful perusal of your statement of the purport of our conversations, I cannot discover any material difference from the representation which I have made upon that subject to the secretary of state, (Mr. Robert Smith) in my letter to him the 14th instant, to which I will therefore beg to refer you, as I have therein detailed the substance of the conversation according to my recollection of it; which is, in every respect, essentially the same as that which you seem to have entertained.

During the conversation which we held respecting the practicability of an amicable adjustment of the differences between the two countries, when the relinquishment by the United States during the present war, of what is called the colonial trade, was suggested by you, I conceived that you meant, (as you have stated) "the trade carried directly from belligerent colonies to

the belligerents in Europe, when that trade was not permanently, in peace as in war, permitted by the laws of the country to which those colonies belonged."

I never supposed that you intended to convey an opinion that the government of the United States would make any arrangement respecting the colonial trade as a condition of the revocation of the orders in council, the two subjects being altogether unconnected; nor have I ever represented to his majesty's government that such preliminary pledges would be given.

With sentiments of the
highest respect,

I have the honor to be,

Sir,

Your most obedient humble
servant,

D. M. ERSKINE.

The hon. Albert Gallatin,
&c. &c. &c.

—
THE SECRETARY OF STATE TO
MR. JACKSON.

*Department of state, October, 9th,
1809.*

SIR,

An arrangement, as to the revocation of the British orders in council, as well as to the satisfaction required in the case of the attack on the Chesapeake frigate, has been made in due form by the government of the United States, with David Montague Erskine, esq. an accredited minister plenipotentiary of his Britannic majesty. And after it had been faithfully carried into execution on the part of this government, and under circumstances render-

ing its effects on the relative situation of the United States irrevocable, and in some respects, irreparable, his Britannic majesty has deemed it proper to disavow it, to recal his minister, and to send another to take his place.

In such a state of things, no expectation could be more reasonable, no course of proceeding more obviously prescribed by the ordinary respect due to the disappointed party, than a prompt and explicit explanation, by the new functionary, of the grounds of the refusal, on the part of his government, to abide by an arrangement, so solemnly made—accompanied by a substitution of other propositions.

Under the influence of this reasonable expectation, the President has learned, with no less surprise than regret, that in your several conferences with me you have stated:

1. That you have no instructions from your government which authorise you to make any explanations whatever to this government, as to the reasons which had induced his Britannic majesty to disavow the arrangement lately made by your predecessor, and that therefore you could not make any such explanations.

2. That in the case of the Chesapeake, your instructions only authorise you, (without assigning any reason whatever why the reasonable terms of satisfaction, tendered and accepted, have not been carried into effect) to communicate to this government a note tendering satisfaction, with an understanding, that such note should not be signed and delivered by you, until you should have previously seen and approved the

proposed answer of this government, and that the signing and the delivery of your note and of the answer of this government should be simultaneous.

3. That you have no instructions which authorise you to make to this government any propositions whatever, in relation to the revocation of the British orders in council; but only to receive such as this government may deem it proper to make to you.

4. That, at all events, it is not the disposition or the intention of the British government to revoke their orders in council, as they respect the United States, but upon a formal stipulation on the part of the United States, to accede to the following terms and conditions, viz.

1. That the act of Congress, commonly called the non-intercourse law, be continued against France so long as she shall continue her decrees.

2. That the navy of Great Britain be authorised to aid in enforcing the provisions of the said act of Congress.

3. That the United States shall explicitly renounce, during the present war, the right of carrying on any trade whatever, direct or indirect, with any colony of any enemy of Great Britain, from which they were excluded during peace; and that this renunciation must extend, not only to the trade between the colony and the mother country, but to the trade between the colony and the United States.

If in the foregoing representation it should appear, that I have in any instance misapprehended your meaning, it will afford me real pleasure to be ena-

bled to lay before the President a statement corrected agreeably to any suggestions with which you may be pleased to favor me.

To avoid the misconceptions incident to oral proceedings, I have also the honor to intimate, that it is thought expedient that our further discussions, on the present occasion, be in the written form. And with great sincerity I assure you, that whatever communications you may be pleased thus to make, will be received with an anxious solicitude to find them such as may lead to a speedy removal of every existing obstacle to that mutual and lasting friendship and cordiality between the two nations, which is obviously the interest of both to foster.

I have the honor to be, &c.

R. SMITH

—

MR. JACKSON TO MR. SMITH.

Washington, 11th October, 1809.

SIR,

I have had the honor of receiving your official letter of the 9th instant, towards the close of which you inform me, that it had been thought expedient to put an end to all verbal communication between yourself and me, in discussing the important objects of my mission. Considering that a very few days have elapsed since I delivered to the President a credential letter from the king my master, and that nothing has been even alleged to have occurred, to deprive me of the facility of access, and of the credit to which, according to immemorial usage,

I am by that letter entitled, I believe there does not exist in the annals of diplomacy a precedent for such a determination between two ministers, who have met for the avowed purpose of terminating amicably the existing differences between their respective countries; but, after mature reflection, I am induced to acquiesce in it by the recollection of the time that must necessarily elapse before I can receive his majesty's commands upon so unexpected an occurrence, and of the detriment that would ensue to the public service, if my ministerial functions were, in the interval, to be altogether suspended. I shall therefore content myself with entering my protest against a proceeding which I can consider in no other light, than as a violation, in my person, of the most essential rights of a public minister, when adopted, as in the present case, without any alleged misconduct on his part. As a matter of opinion, I cannot I own, assent to the preference which you give to written over verbal intercourse for the purpose of mutual explanation and accommodation. I have thought it due to the public character with which I have the honor to be invested, and to the confidence which his majesty has most graciously been pleased to repose in me, to state to you unreservedly my sentiments on this point. I shall now proceed to the other parts of your letter, and apply to them the best consideration that can arise from a zeal proportioned to the increase of difficulty thus thrown in the way of the restoration of a thorough good understanding between our respective countries.

You state, Sir, very truly, that an arrangement had been made

between you and Mr. Erskine, and that his majesty had thought proper to disavow that arrangement.

I have here in the outset, to regret the loss of the advantage of verbal intercourse with you, as I should have availed myself of it to enquire whether by your statement, it were your intention to complain of the disavowal itself, or of a total want of explanation of it, or of the circumstance of that explanation not having been made through me. I observe that in the records of this mission there is no trace of a complaint, on the part of the United States, of his majesty having disavowed the act of his minister. You have not in the conferences, we have hitherto held, distinctly announced any such complaint, and I have seen with pleasure, in this forbearance, on your part, an instance of that candor, which I doubt not, will prevail in all our communications, inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act, done under such circumstances, as *could only* lead to the consequences that have actually followed.

It was not known when I left England, whether Mr. Erskine had, according to the liberty allowed him, communicated to you *in extenso* his original instructions. It now appears that he did not. But in reverting to his official correspondence, and particularly to a despatch addressed on the 20th of April to his majesty's secretary of state for foreign affairs, I find that he there states, that he had submitted to your consideration the three conditions specified in those instructions, as the ground work of an arrange-

ment which, according to information received from this country, it was thought in England might be made, with a prospect of great mutual advantage.—Mr. Erskine then reports *verbatim et seriatim* your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been concluded between you that these latter were an equivalent for the original conditions; but the very act of substitution evidently shews that those original conditions were in fact very explicitly communicated to you, and by you of course laid before the President for his consideration. I need hardly add, that the difference between these conditions and those contained in the arrangement of the 18th and 19th of April, is sufficiently obvious to require no elucidation; nor need I draw the conclusion, which I consider as admitted by all absence of complaint on the part of the American government, viz. that under such circumstances his majesty had an undoubted and incontrovertible right to disavow the act of his minister. I must here allude to a supposition, which you have more than once mentioned to me, and by which, if it had any the slightest foundation, this right might perhaps have been in some degree affected. You have informed me that you understood that Mr. Erskine had two sets of instructions, by which to regulate his conduct; and that upon one of them, which had not been communicated either to you or to the public, was to be rested the justification of the terms finally agreed upon between you and him. It is my duty, Sir, so-

lemnly to declare to you, and through you, to the President, that the despatch from Mr. Canning to Mr. Erskine which you have made the basis of an official correspondence with the latter minister, and which was read by the former to the American minister in London, is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement with this country on the matter to which it relates.

To return to the immediate subject of your letter. If, Sir, it be your intention to state, that no explanation whatever has been given to the American government of the reasons which induced his majesty to disavow the act of my predecessor, I must, in that case, observe that in the instructions conveying to him his majesty's intention, those reasons were very fully and forcibly stated; and if he has not transmitted them to you, I can only attribute it to the peculiar delicacy and embarrassment of his situation, for which he probably trusted to the President's goodness to make some allowance; and he might the more reasonably be led to that reliance on it, as a full and ample communication was also made upon the subject by his majesty's secretary of state for foreign affairs, to Mr. Pinkney, to whom the whole of Mr. Erskine's original instruction was read, and who it was natural to suppose, would convey to his government so much information upon a very momentous occasion, as would relieve Mr. Erskine from the necessity of entering into minute details of the misunderstanding that had occurred. At all events, no complaint can be substantiated

against his majesty's government on this score, seeing that they not only instructed the minister who had made the disavowed arrangement as to the motives which occasioned the disavowal, but also with frankness, promptitude, and a most scrupulous regard to national honor, gave notice to the American minister in London of the disavowal, of the motives of it, and of the precautions spontaneously taken by his majesty to prevent any loss or injury accruing to the citizens of the United States from a reliance on any agreement, however unauthorised, made in his majesty's name. The mere allusion to this latter circumstance dispenses me from further noticing the effects which you describe as being produced upon the United States by the circumstances of this agreement. How far they are irrevocable it is not for me to determine; but the word *irreparable* seems to imply that a loss had been sustained on the occasion by the public, or by individuals of this country. So far as his majesty could be by possibility supposed answerable for such an eventual loss, he has, as I have before stated, taken the utmost precautions to avert it.

As to the expectation entertained here, that the explanation of his majesty's share in this transaction should be made through me, I might content myself with simply observing, that I was not provided with instructions to that effect, because it was known that the explanation in question had already been given. But it accords with the sentiments of his majesty towards this country to observe also, that he considered, that as some time

must necessarily elapse between my appointment and my entrance on the duties of my ministry, it would be a more friendly mode of proceeding to state without delay, and through the channels I have already mentioned, the motives that compelled his majesty to disavow the agreement, than to leave the American government in uncertainty in these respects, till the unavoidably protracted period of my arrival in America. I say this in regard to the original notification of his majesty's determination and of the motives of it, which being already made, it could not be supposed in London that a repetition of them would be expected from me; and of course no such case has been foreseen in my instructions. But if, beyond this, any incidental explanation or discussion should be wished for by this government, I came fully prepared to enter into them. I even consider them to have taken place between us. I have certainly derived great satisfaction from the several hours which we have spent in conference upon these subjects, because they have enabled me to remove some misunderstandings, and to refute many misrepresentations, which you yourself informed me of, in regard to the conduct of the British government. I consider such mutual explanations as highly beneficial to a right understanding of the views and interests of the two countries, and I should with much pleasure have renewed them, if you had not informed me that the President had been pleased to prescribe another and a different mode of conducting our negotiations.

I will nevertheless avail myself

of that mode which he still permits to repeat to you, that his majesty has authorised me, notwithstanding the ungracious manner in which his former offer of satisfaction for the affair of the Chesapeake was received, to renew that which Mr. Erskine was instructed to make. You have said that you so fully understood the particulars of that offer, that I deem it unnecessary to recapitulate them here; I regret that, since they were so clearly understood by you, you should not yet have been enabled to state to me either in our personal communications, or in the letter which I am now answering, whether they are considered by the President as satisfactory, or whether they are such as he ultimately means to accept. You seem not so distinctly to have understood the form of proceeding in this affair, which I took the liberty of suggesting as likely to lead to a satisfactory result, without however at all precluding any other method which might appear preferable to you. My proposal was, not to communicate a note *tendering* satisfaction, but to agree with you beforehand upon the terms of a declaration on the part of his majesty, *which should actually give the satisfaction* (the conditions of which I informed you that I was authorised to carry into immediate execution) and of a counter declaration to be signed by you on the part of the United States for the purpose of accepting such satisfaction. I expressly stated that this interchange of official documents was not meant by me as the means of conveying to each other our respective sentiments; *that* I understood to be, as is usual, the object of our conferences;

and I imagined that the papers to be signed by us respectively, would be the result of those sentiments so communicated, and that by being reciprocally corrected and modified, and simultaneously delivered, they would form one compact by which the two countries would be equally bound. This course of proceeding is conformable to the practice of the courts of Europe on similar occasions. You did not at the time appear to object to it; you even requested me to come the next day prepared with a draft or project of a paper, framed in pursuance to these ideas, and although you desired to refer the subject to the President for his approbation, I do not find in your letter either an expression of his sentiments upon it, or the substitution of any other form that might be more agreeable to him, than the one which I have proposed.

I touch with considerable and very sincere reluctance upon that part of your letter, in which you state that I had not assigned "any reason whatever why the reasonable terms of satisfaction tendered and accepted have not been carried into effect."

I believe that I had observed to you, in the words of my instructions; that if his majesty were capable of being actuated by any desire to retract an offer of reparation which he had once made, his majesty might be well warranted in doing so both by the form in which his accredited minister had tendered that reparation, and by the manner in which that tender had been received. I believe that I elucidated this observation by a reference to the particular expressions, which made the terms of satisfaction ap-

pear to be unacceptable even to the American government, at the very moment when they were accepted, and which at all events put it totally out of his majesty's power to ratify and confirm any act in which such expressions were contained.

On the subject of his majesty's orders in council, I have had the honor of informing you that his majesty having caused to be made to the government of the United States certain proposals founded upon principles, some of which were understood to originate in American authorities, and others to be acquiesced in by them; and having afterwards ascertained, in the manner mentioned in a former part of this letter, that the sentiments of the American government were so different from what they were at first understood to be, I was not instructed to renew to you those proposals; nor to press upon your acceptance an arrangement which had been so recently declined, especially as the arrangement itself is become less important, and the terms of it less applicable to the state of things now existing.

Those considerations which were first intimated in Mr. Canning's official letter to Mr. Pinkney of the 23d September, 1808, and which, in the process of the following six months, acquired greater weight and influence, induced his majesty, before the result of Mr. Erskine's negotiation was known, to modify the orders in council of November, 1807, by that of the 26th April, 1809.

The effect of this new order is to relieve the system under which the former orders were issued, from that which has always been represented in this country, as

the most objectionable and offensive part of it, the option given to neutrals to trade with the enemies of Great Britain through British ports on payment of a transit duty. This was originally devised and intended as a mitigation of what is certainly more correct but more rigid in principle, the total and unqualified interdiction of all trade with the enemy. If, however, this mitigation was felt as an aggravation, and, as has been sometimes warmly asserted, as an insult, that cause of complaint is now entirely removed. By the order in council of the 26th April, 1809, all trade with France and Holland, and the ports of Italy, comprehended under the denomination of the kingdom of Italy, is simply prohibited altogether. No option is afforded, and consequently no transit duty is required to be paid. In another respect, the order in council of the 26th April must be admitted to be more restrictive than those of November, 1807.

The trade with enemies colonies which was opened to neutrals at the commencement of the present war by the order in council of the 24th June, 1803, was continued to be left open by those of November, 1807. The order in council of the 26th April retracts this indulgence. But it is to be observed, that since the period, when the orders in council of November, 1807, were issued, the opening of the ports of Spain, of Portugal, of the South of Italy, and of Turkey, has afforded a more ample scope to neutral commerce; and that by the capture of Martinique in addition to that of almost all the colonies of the enemies of Great Britain, together with the blockade of Guada-

loupe, the extent to which the liberty of commerce with enemies colonies applied, has been so far narrowed, that there is little of practical hardship in recurring to the rule which, however occasionally mitigated in its application, Great Britain can never cease in principle to maintain. It is farther to be observed, that the order in council of the 26th April, has this operation highly favorable to neutrals, that restricting the regulations of blockade to France, Holland, and their colonies, and to the territories denominated the kingdom of Italy; it lays open to the direct trade of neutrals the ports of the north of Europe. Under the order of the 26th of April, therefore, while there are on the one hand fewer points of difference to stand in the way of a satisfactory arrangement between Great Britain and the United States, it is possible that there may be less temptation to the latter to enter into such an arrangement, as the extent of their commerce may be, if they please, nearly as great under the order in council of the 26th April, as it would be under any arrangement which should affect the indispensable objects to which that order applies; or as it would be even without any such order, so long as France and the powers subservient to France, continue to enforce their decrees. It is, in the same proportion, matter of indifference to Great Britain, whether the order in council be continued, or an arrangement by mutual consent, substituted in its room.

Such, Sir, are the grounds on which it has appeared to his majesty to be unnecessary to command me to propose to the go-

vernment of the United States any formal agreement to be substituted for that which his majesty has been under the necessity of disavowing; but I am directed to receive and discuss with you any proposal which you may be authorised to make to me on this head.

As no disposition has hitherto been shewn on your part to make any such proposal, it has been impossible for me to state by anticipation, (nor was I instructed so to do) what might be the answer that I should eventually think it my duty to return to you; consequently I could not have made with that view the statement contained in the fourth section of your letter, and the three subdivisions of it. Such a statement would have been obviously inconsistent with the former part of my overture, which you very correctly record in the third section, viz. that I was not instructed to make to you any proposal whatever upon this subject. I must necessarily reserve, until I hear from you what proposals it may be deemed proper to make on behalf of the United States, to state in how far they do or do not accord with the instructions which it has pleased his majesty to give me for my guidance in this negotiation.

I will only add, Sir, in conclusion of this letter, that his majesty is very sincerely desirous of maintaining a perfect and cordial understanding with the United States, and of bringing to a complete and satisfactory adjustment, all the points of difference that have arisen between the two governments; and that, agreeing as I do with you, most heartily, as to the interest which both na-

tions have in fostering a mutual and solid friendship and cordiality, no zeal or exertions shall be wanting on my part to carry into effect his majesty's commands for this most salutary purpose.

I have the honor to be,

With great respect,

Sir,

Your most obedient humble
servant,

F. J. JACKSON.

—

FROM THE SECRETARY OF STATE
TO MR. JACKSON.

Department of State, October 19,
1809.

SIR,

I have had the honor of receiving your letter of the eleventh instant.

Before I proceed to the more material topics, which it embraces, it is proper that I should take some notice of your construction which has unhappily converted an intimation of the expediency of conducting in a written form our further discussions, on this particular occasion, into a general prohibition of all verbal communications whatever, and into an unprecedented violation of the most essential rights of a public minister requiring a formal protest and a resort to the commands of your sovereign.

A recurrence to that intimation cannot fail to shew, that its sole object was to avoid, in the *further* discussions of a case of unusual delicacy and importance, the misconceptions well known to be incident to oral proceedings, and of which the diplomatic inter-

course between the two governments had furnished so many and such serious proofs: nay, of which your letter itself is an additional illustration. That a change in diplomatic discussions, from an oral to a written form is not without precedent, I cannot refer to one which will be more satisfactory to you than the intimation recently given by Mr. Canning in the case of the proposal by Mr. Pinkney, on the subject of the orders in council and the embargo, that the discussions which had been previously verbal must thenceforth take a written form. And with this view I take the liberty of recalling your attention to the subjoined extracts (*See A. & B.*) of letters that passed on that occasion.

On the present, as on that occasion, the change from verbal to written communications was requested after two conferences, and when the subject appeared to one of the parties to have, by those verbal discussions, been brought to a point which required a precise understanding of the views and propositions of the other.

You will, sir, hence perceive, that in maintaining the right, which every government has as to the rules of intercourse with foreign functionaries near it, no encroachment has been made or intended on any right or customary privilege belonging to you in that character, nor any thing done to impede the proper and usual course of negotiation.

You have been sufficiently apprised, by my letter of the 9th, of the light in which the President views the arrangement lately made by your predecessor with this government, and of the grounds on which he has expect-

ed a formal and satisfactory explanation of the reasons for the refusal of his Britannic majesty to carry it into effect. He persists in that expectation, and in the opinion that there has been given no explanation that is adequate, either as to the matter or as to the mode.

When one government has been solemnly pledged to another in a mutual engagement by its acknowledged and competent agent, and refuses to fulfil the pledge, it is perfectly clear, that it owes it, both to itself and to the other party to accompany its refusal with a formal and frank disclosure of sufficient reasons for a step, which, without such reasons must deeply injure its own character, as well as the rights of the party confiding in its good faith.

“To refuse with honor (says a high authority on public law) to ratify what has been concluded on by virtue of a full power, it is necessary that the government should have *strong and solid reasons*, and that he shew in particular that his minister has violated his instructions.”

Although it is particularly incumbent on the sovereign in such case to shew that his instructions have been violated, yet it is not a mere violation of them on immaterial points that will be sufficient. It is indispensibly requisite, moreover, that the reasons be *strong and solid*, that they manifestly outweigh, not only the general obligation to abide by what has been so done, but also the disappointment and injury accruing to the other party. And it is worthy of notice that the case under discussion is of a higher character and

appeals with greater solemnity to the honor and justice of the refusing party than the case stated in Vattel, inasmuch as the transaction, now disavowed, was not a treaty or convention to be ratified by both parties, previous to an execution by either. It had, according to the terms of it (and this peculiarity appears to have been contemplated by your government) been actually and immediately carried into execution on the part of the United States. The refusal of his Britannic majesty is, therefore, not simply to ratify what had been ratified by the other party, but to carry into effect on his part an arrangement which had been carried into full effect, with good faith on the part of the United States. Nay, the case is strengthened by the further peculiarity, that some of the circumstances, attending the execution of the arrangement on the part of the United States, render it unsusceptible of a full equivalent for the refusal to execute it on the other side.

It has not escaped observation that the obligation of your government to tender explanations on this occasion is admitted by your attempt to shew that it has been sufficiently done in what passed in conversation between Mr. Canning and Mr. Pinkney, and by the instructions given to Mr. Erskine to communicate such explanations.

With every disposition to view in the most favorable light whatever may affect the relations between the two countries, it is impossible to mistake the conversations of those ministers for a discharge of such a debt to the good faith and reasonable expectations

of the United States. Besides that they were mere conversations in a case requiring the precision and respect of a formal communication, it is certain, that it was neither understood by Mr. Pinkney, nor intended by Mr. Canning, that those conversations were so to be regarded. Mr. Pinkney is explicit on this point. And Mr. Canning himself, after declining to recapitulate in writing what he had verbally remarked, signified to Mr. Pinkney in a letter dated May 27, that his observations on the subject would be more properly made through the successor of Mr. Erskine, who was about to proceed to the United States.

With respect to the instructions on this point given to Mr. Erskine, it might be sufficient to remark that they were never carried into execution; but it may be asked, whether it was a mark of friendly respect to the United States to employ for such a purpose a minister from whom his government had thought proper publicly to withdraw its confidence, and to the peculiar delicacy and embarrassment of whose situation you have yourself referred, as accounting for his not having executed the task imposed upon him.

I must here repeat, what was suggested in my former letter, that the successor of Mr. Erskine is the proper functionary for a proper explanation. Nor can I perceive the force of your remark that the delay incident to your arrival in the United States rendered it more consistent with the friendly sentiments of his majesty to prefer the other channels for communicating the motives for disavowal. To your own reconsi-

deration I appeal, whether the course most consonant to those friendly sentiments was not the obvious one of employing the new organ, guarding at the same time against any misconstruction of the delay by apprising the American government through its minister of the cause of it. The supposition that the delay incident to your mission gave rise to the conversation of Mr. Canning and Mr. Pinkney, is not reconcileable to the correspondence of the latter, which contains no such indication. On the contrary it distinctly shews that he was apprised of the intention to replace Mr. Erskine by a successor whom he regarded as the proper channel for the explanatory communications, that he understood Mr. Canning to be under the same impression, and that he learned from yourself, not more than two days after his conversations with Mr. Canning that you were to sail for the United States within three weeks.

Although it may not have been your intention to have given to this subject a posture which it would not have naturally assumed; yet such has been the tendency of some of your remarks, and particularly of the conclusion you have drawn from the two circumstances, 1st, That no trace of complaint from this government against the disavowal appears in the records of the British mission or was distinctly announced by me in our conferences; and 2d. That from the official correspondence of Mr. Erskine with his government, it appears that although he did not communicate *in extenso* his original instructions, he submitted to me the three conditions therein spe-

cified and received my observations on each.

If there be no trace of complaint against the disavowal in the archives of the mission, it is because this government could not have entered such complaint before the reasons for the disavowal had been explained, and especially as the explanations were justly and confidently expected through the new functionary. And as to the supposed reserve on my part on this subject, in our several conferences, I did imagine, that my repeated intimations to you of the necessity of satisfactory explanations, as to the disavowal, were sufficient indications of the dissatisfaction of this government with respect to the disavowal itself.

The stress you have laid on what you have been pleased to state as the substitution of the terms finally agreed on, for the terms first proposed, has excited no small degree of surprise. Certain it is, that your predecessor did present for my consideration the three conditions, which now appear in the printed document—that he was disposed to urge them more than the nature of two of them (both palpably inadmissible and one more than merely inadmissible) could permit, and that on finding his first proposals unsuccessful the more reasonable terms comprised in the arrangement respecting the orders in council were adopted. And what, Sir, is there in this to countenance the conclusion you have drawn in favor of the right of his Britannic majesty to disavow the proceeding? Is any thing more common in public negotiations, than to begin with a higher demand, and, that failing,

to descend to a lower? To have, if not two sets of instructions, two, or more than two grades of propositions in the same set of instructions; to begin with what is the most desirable, and to end with what is found to be admissible in case the more desirable should not be attainable. This must be obvious to every understanding and it is confirmed by universal experience.

What were the real and entire instructions given to your predecessor is a question essentially between him and his government. That he had, or at least, that he believed he had sufficient authority to conclude the arrangement, his formal assurances, during our discussions, were such as to leave no room for doubt. His subsequent letter of 15th June, renewing his assurance to me “that the terms of the agreement so happily concluded by the recent negotiation, will be strictly fulfilled on the part of his majesty,” is an evident indication of what his persuasion then was as to his instructions. And with a view to shew what his impressions have been even since the disavowal, I must take the liberty of referring you to the annexed extracts (*see C.*) from his official letters of the 31st July, and of the 14th of August.

The declaration “that the despatch from Mr. Canning to Mr. Erskine of the 23d January, is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it relates,” is now for the first time made to this government. And I need hardly add that if that despatch had been communicated at the time of the

arrangement, or if it had been known that the propositions contained in it, and which were at first presented by Mr. Erskine, were the only ones on which he was authorised to make an arrangement, the arrangement would not have been made.

As you have disclaimed any authority to offer explanations for the disavowal, as you have been willing to ascribe the want of such authority to the consideration that other channels had been preferred, and as you have even considered the circumstances under which the arrangement took place to be such as could only lead to a disavowal, and therefore as superseding the necessity of any explanation whatever, it is to be regretted, that you had not deemed it proper to render precise and explicit that part of your letter, which seems to imply that you had, in our conversations in relation to the affair of the Chesapeake, following the words of your instructions, held out not only the manner in which the reparation had been accepted, but even the form in which it had been tendered, as warranting his majesty in even retracting the offer of reparation and that you had elucidated the observation by a reference to the particular expressions which at all events put it totally out of his power to confirm any act containing them.

Whatever may have been your intention in this part of our conversation, or whatever may be the import of the passage to which I have just alluded, I have now the honor of signifying to you, that I am authorised to receive in a proper form, whatever explicit explanations you may

choose to make with respect to the grounds of this part of the disavowal; and without enquiring whether your authority be derived from instructions that have been addressed to yourself or that have devolved on you as the successor of the minister, who had declined to execute them.

As you have at the same time, been pleased to say that his Britannic majesty had authorised you to renew the offer of satisfaction which Mr. Erskine was instructed to make, it was also naturally expected that you would in your letter have stated with precision in what that offer differed from the reparation solemnly tendered by Mr. Erskine, and accepted by the United States, and that you would have shewn in what the reparation thus tendered differed from his instructions. And when I had the honor to intimate that, in order to avoid the misconceptions incident to oral proceedings, it was thought expedient that our further discussions on the present occasion should be in the written form, there was no part of the subject to which that intimation applied with more force than the case of the Chesapeake; none on which it was more desirable to avoid misconceptions, and to obtain a precise knowledge of the propositions which you were authorised to make; not only because I did not really understand the particulars of the offer as distinctly as you seem to have supposed, but also because, on that point, and on that alone, you had expressly stated, that you had propositions to make, and that you were authorised to carry them into immediate execution.

On the subject of the orders

in council, the President perceives with sentiments of deep regret, that your instructions contemplate, neither an explanation of the refusal of your government to fulfil the arrangement of that branch of the existing differences, nor the substitution of any other plan of adjustment, nor any authority to *conclude* any agreement on that subject, but merely to receive and discuss proposals, that might be made to you on the part of the United States; and these it appears must include a stipulation on the part of the United States to relinquish the trade with the enemies colonies, even in branches not hitherto interrupted by British orders for capture, and also a sanction to the enforcing of an act of Congress by the British navy.

Were the way properly opened for formal propositions from this government, a known determination on the part of his Britannic majesty to adhere to such extraordinary pretensions, would preclude the hope of success in such advances whether regard be had to the conditions themselves or to the disposition they indicate, in return for the conciliatory temper which has been evinced by the United States.

As to the demand in relation to the colonial trade, it has been the less apprehended, as it is not in itself connected, nor has it ever before been brought into connection either with the case of the orders in council or with that of the Chesapeake. And it was reasonably to be presumed, if the idea of such a condition had in the first instance proceeded from the erroneous belief, that it was not objectionable to the United States, that it would not have been per-

sisted in after that error had been ascertained and acknowledged.

The other demand could still less have been apprehended. Besides the inevitable and incalculable abuses incident to such a licence to foreign cruizers, the stipulation would touch one of those vital principles of sovereignty which no nation ought to have been expected to impair.—For where would be the difference in principle between authorising a foreign government to execute, and authorising it to make laws for us. Nor ought it to be supposed, that the sanctions and precautions of a law of the United States in the cases of the prohibited trade in question would prove inefficacious for its purposes.

Had none of those obstacles presented themselves to the course corresponding with the sentiments and dispositions of the President, I should have felt great pleasure in giving you formal assurances of his readiness to execute the conditional authority with which he is invested for restoring in its full extent, as far as it may depend upon the United States, the commercial intercourse of the two countries, and that he would moreover, be disposed to extend the experiment of a friendly negotiation to every point of difference and of mutual interest between them. If, indeed, in the event of a successful termination of what relates to the case of the Chesapeake, it be thought that a removal of the difficulties arising from the orders in council might be facilitated by comprehending them in a general negotiation. and the operation of the orders can, in the mean time, be suspended, the door

might be considered as immediately open to that course of proceeding.

To such a suspension no reasonable objection can be made, if, as you have stated, the orders in council, as now modified, leave the trade of the United States nearly as great as it would be without the existence of such orders, so long as France and the other powers shall continue their decrees, and inasmuch as a discontinuance of their decrees by those powers, confessedly requires an immediate and entire revocation of the orders in council.

That a suspension of the orders with a view to their being brought into a general negotiation is more reasonable than a temporary submission to their authority by the United States with that view, is obvious from the reflection that such a submission would necessarily involve a relinquishment of the principle which they have stedfastly asserted; whereas a discontinuance of the orders in council in the present actual state of things, would not be incompatible with the principle on which they were originally founded.

This principle was as you well know, the necessity of retaliating through neutrals injuries received through a violation of their rights by another belligerent. In the actual state of things, and under the actual modification of the orders in council produced by it, it is admitted by you, that the orders have no practical effect in abridging the commerce of neutrals, and can of course have no retaliating effect on the other belligerents.

Although it cannot be allowed

to be true, that the orders in council are no longer injurious to the commerce of the United States, it is certainly true, that they produce no degree of injury to the enemies of Great Britain, that can countenance the retaliating plea alleged in support of them.

What, permit me to ask, is the degree of injury actually accruing to the enemies of Great Britain from her retaliating orders? According to those orders as now modified, and more especially taking into view along with them the prohibitory law of this country in relation to France, the essential difference between their repeal and their existence consists in this—that in the case of their repeal, as pledged by the arrangement of April, the trade of the United States might be carried on directly with the ports of Holland, whilst during their existence, as at present, it is to be carried on through the contiguous and neighbouring ports. To your own calculations, Sir, I submit, whether the inconsiderable effect of this circuit on the prices in Holland, and in the countries supplied through her, can any longer sustain the plea of inflicting distress on an enemy or palliate the injuries done to a friend by a proceeding so contrary to his sentiments of justice, and which subjects his regular commerce not only to inconvenient channels, but to all the abuses which may result from the suspicions, real or pretended, of interested citizens. You cannot but be sensible, that a perseverance under such circumstances in a system, which cannot longer be explained by its avowed object, would force an explanation by some object not

avowed. • What object might be considered as best explaining it is an enquiry into which I do not permit myself to enter, further than to remark that in relation to the United States it must be an illegitimate object.

It remains to make a few observations which are due to the just interest of the United States, and which are invited by yours relating to the order in council of May last.

You seem to consider that measure as comprising the utmost precaution that was in the power of his Britannic majesty to take, for preventing losses, from his disavowal of the engagement of your predecessor, to citizens of the United States, who had resumed their commercial pursuits on the faith of that act.

Without entering into a full view of the inadequacy of the order in that respect, I take the liberty of pointing out the following instances in which it falls essentially short of its declared intention.

1st. The order does not provide for the important case, of vessels returning with cargoes from the ports of Holland.

2d. The exemption from interruption of vessels bound from the United States to Holland was restricted by that order to such as should have departed prior to the 20th of July, at which date it is not certain that the order, which was not officially communicated until the 31st of that month, had even reached any one point of the United States. So that some vessels may have sailed between the limited date and the arrival of the order in the United States, and many from distant ports must have done so

after its arrival but before a knowledge of it had become general, all proceeding on the faith of the arrangement, yet all left by the order exposed to capture and condemnation.

3d. The order does not provide for the important case of vessels, which had sailed on the like faith for Dutch ports other than those of Holland.

4th. It does not include in its provisions the extensive list of vessels going indirectly from the United States but directly from foreign ports to those of Holland, nor vessels trading entirely from foreign ports to Holland; and in both these instances proceeding on the faith of the arrangement professed to be respected within the defined period.

It is true that in these last instances the vessels were not to be captured without an attempt after contrary warning to proceed to those ports. But I need not remind you that the injuries incident to the delay and to the breaking up of such voyages cannot but have been considerable, and will have resulted as manifestly from the disappointed faith in the arrangement, as in the cases specially provided for, and consequently with all other losses fairly resulting from the same bona fide confidence in that act, they will fall within the just indemnification for which the principle assumed in the order, is a formal pledge.

I conclude, Sir, with pressing on your candid attention, that the least which the President could have looked for in consequence of the disavowal of a transaction such as was concluded by your predecessor and carried faithfully into effect by this government,

was an explanation from yours of the disavowal, not through the minister disavowed, but through his successor; an explanation founded on reasons strong and solid in themselves, and presented neither verbally nor vaguely, but in a form comporting with the occasion and with the respect due to the character and the good faith of the disappointed party; that it has been found with much concern, and with not less surprise, that you are charged with no such explanations; that you have apparently wished to bring the subjects, which have been formally and definitely arranged into fresh negotiation, as if no such arrangement had taken place; that one of the cases thus slighted, viz. that of the frigate *Chesapeake*, is a case for which reparation, not denied to be due, had been previously so long withheld, or rather in which the aggression itself has been spun out to the present moment by the continued detention of the mariners, whose seizure, making a part of the hostility committed against the American frigate, must be regarded in a light analogous to a continued detention of the ship itself; that in the other case, viz. that of the orders in council you are not authorised to tender explanations for the disavowal, or to propose any new arrangement, nor to conclude any agreement, but solely to receive and discuss proposals, which might be made to you, not concealing at the same time, that to be satisfactory they must include two conditions, both inadmissible; one altogether irrelevant to the subject, and the other requiring nothing less than a surrender, of an unalienable function of the national sovereignty.

Notwithstanding these repulsive considerations, such is the disposition of the President to facilitate a final and comprehensive accommodation between the two nations, that he is ready, as I have already had the honor of signifying to you, to favor any mode of bringing about so happy an event that may be found consistent with the honor and the essential interests of the United States.

I have the honor to be,

With the highest consideration,

Sir,

Your obedient servant,

R. SMITH.

(A.)

EXTRACT OF A LETTER FROM
MR. PINKNEY TO MR. CANNING,
DATED

London, October 10th, 1808.

"At our first interview, (on the 29th June,) verbal communication was not discountenanced but commended: for after I had made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course, but immediately added that you presumed I did not, for that the course I had adopted was well suited to the occasion. My reply was in substance that the freedom of conversation was better adapted to our subject and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse, and that I had not intend-

ed to present a note. At the second interview (on the 22d July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course; and it was not until the third interview (on the 29th July) that it was rejected as inadmissible."

(B.)

EXTRACT FROM MR. CANNING TO
MR. PINKNEY, DATED

November 22d, 1808.

"It is highly probable that I did not (as you say I did not) assign to you as the motive of the wish which I then expressed, my persuasion, that written communications are less liable to mistake than verbal ones; because that consideration is sufficiently obvious; and because the whole course and practice of office is, in that respect so established and invariable, that I really could not have supposed the assignment of any specific motive to be necessary to account for my requiring a written statement of your proposals previous to my returning an official answer to them.

"I had taken for granted all along that such would, and such must, be the ultimate proceeding on your part, however you might wish to prepare the way for it by preliminary conversations."

(C.)

EXTRACT OF A LETTER FROM
MR. ERSKINE TO MR. SMITH,
DATED

Washington, July 31st, 1809.

"Neither the present time, nor the occasion will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his majesty's wishes, and to the spirit, at least, of my instructions upon that subject; nor, indeed, would any vindication of my conduct, (whatever I may have to offer) be of any importance, further than as it might tend to shew that no intention existed on my part to practice any deception towards the government of the United States."

—

FROM THE SAME TO THE SAME,
DATED

August 14th, 1809.

"Under these circumstances therefore, finding that I could not obtain the recognitions specified in Mr. Canning's despatch of the 23d January, (which formed but *one part* of his instructions to me) in the formal manner required, I considered that it would be in vain to lay before the government of the United States the despatch in question, which I was at *liberty* to have done in *extenso*, had I thought proper. But as I had such strong grounds for believing that the object of his majesty's government could be attained, though in a different manner, and the spirit at least of my *several* letters of instructions be fully complied with, I felt a thorough conviction upon my mind, that I should be acting in conformity with his majesty's

wishes; and accordingly concluded the late provisional agreement on his majesty's behalf, with the government of the United States.

"The disavowal by his majesty is a painful proof to me that I had formed an erroneous judgment of his majesty's views and the intention of my instructions; and I have most severely to lament that an act of mine (though unintentionally) should produce any embarrassment in the relations between the two countries."

—

MR. JACKSON TO THE SECRETARY
OF STATE.

Washington, 23d October, 1809.

SIR,

The letter which you did me the honor to address to me on the 19th instant, was delivered to me on the following day. I shall, without loss of time transmit it to my court, where the various and important considerations which it embraces, will receive the attention due to them. In the interval, I would beg leave to submit to you the following observations, as they arise out of the communications that have already occurred between us.

In fulfilling a duty which I conceive to be due to my public character, I have never suggested nor meant to suggest, that the mode of negotiating prescribed by you on this particular occasion—an occasion selected for the purpose of removing existing differences, was otherwise objectionable, than as it appeared to me to be less calculated, than it

does to you, to answer the professed purpose of our negotiation.

It was the general principle of debarring a foreign minister in the short space of one week after his arrival, and without any previous misunderstanding *with him*, from all personal intercourse, that I thought it right to protest. Since, however, I find by your letter that it is not intended to apply that principle to me, I will only observe, that in the case which you mention to have occurred between Mr. Canning and Mr. Pinkney, the conferences were held under an expectation, at least on the part of the former, of their leading to a written communication, whereas, in ours, I, from the beginning, stated that I had no such communication to make. There is also this essential difference between the two cases, that Mr. Pinkney was charged to convey an important proposal to his majesty's government, the particulars of which it might be very material to have correctly stated, whilst the object of that part of my conversation, to which you seem to attach the most importance, was to say, that I was not charged to make any proposal whatever.

It could not enter into my view, to withhold from you an explanation, merely because it had been already given, but because, having been so given, I could not imagine, until informed by you, that a repetition of it would be required at my hands. I am quite certain that his majesty's government having complied with what was considered to be the substantial duty imposed upon it on this occasion, would, had this been foreseen, have added to the proofs of conciliatory good faith already

manifested, the farther complacency to the wishes of the United States, of adopting the form of communication most agreeable to them; and of giving through me the explanation in question. I have, therefore, no hesitation in informing you, that his majesty was pleased to disavow the agreement concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions, I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in mine of the 11th instant, were at the time, in substance, made known to you;—no stronger illustration, therefore can be given of the deviation from them which occurred, than by a reference to the terms of your agreement.

Nothing can be more notorious than the frequency with which, in the course of a complicated negotiation, ministers are furnished with a gradation of conditions, on which they may be successively authorised to conclude. So common is the case which you put hypothetically, that in acceding to the justice of your statement, I feel myself impelled to make only one observation upon it, which is, that it does not strike me as bearing upon the consideration of the unauthorised agreement concluded here, inasmuch as in point of fact, Mr. Erskine had no such graduated instruction. You are already acquainted with that which was given, and I have had the honor of informing you that it was the only one by which the conditions on which he was to conclude were prescribed.

So far from the terms, which he was actually induced to accept, having been contemplated in that instruction, he himself states that they were substituted by you in lieu of those originally proposed.

It may perhaps be satisfactory, that I should say here, that I most willingly subscribe, on this occasion, to the highly respectable authority which you have quoted, and I join issue with you upon the essentials which that authority requires to constitute a right to disavow the act of a public minister.

It is not immaterial to observe on the qualification contained in the passage you have quoted, as it implies the case of a minister concluding *in virtue of a full power*. To this it would suffice to answer, that Mr. Erskine *had no full power*; and his act consequently does not come within the range of your quotation; although it cannot be forgotten, that the United States have, at no very distant period, most freely exercised the right of withholding their ratification from even the authorised act of their own diplomatic agent, done under the avowed sanction of a full power.

I conceive that what has been already said establishes, beyond the reach of doubt or controversy, that his majesty's minister did violate his instructions; and the consequent right in his majesty to disavow an act so concluded. That his majesty had *strong and solid reasons* for so doing will appear not only from his instructions having been violated, but from the circumstance that the violation of them involved the sacrifice of a great system of policy, deliberately adopted and acted upon, in just and necessary retaliation.

tion of the unprecedented modes of hostility resorted to by his enemy.

There appears to have prevailed throughout the whole of this transaction, a fundamental mistake, which would suggest that his majesty had proposed to propitiate the government of the United States, in order to induce it to consent to the renewal of the commercial intercourse between the two countries; as if such had been the relations between Great Britain and America, that the advantages of that intercourse were wholly on the side of the former; and as if, in any arrangement, whether commercial or political, his majesty could condescend to barter objects of national policy and dignity for permission to trade with another country.

Without minutely calculating what may be the degree of pressure felt at Paris by the difference in the price of goods whether landed at Havre or at Hamburg; I will, in my turn, appeal to your judgment, Sir, whether it be not a *strong* and *solid reason*, worthy to guide the councils of a great and powerful monarch, to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard? Is it nothing in the present state of the world, when the agents of France authoritatively announce to their victims "that Europe is submitting and surrendering by degrees;" that the world should know, that there is a nation which by that divine goodness, so strongly appealed to in the paper to which I allude, (*Angereau's proclamation to the Catalonians*) is enabled to falsify the assertion? Is it not important at such a moment, that

Europe and America should be convinced, that from whatever countries honorable and manly resistance to such a spirit may have been banished, it will still be found in the sovereign of the British nation and in the hearts of his subjects?

As to the precautions taken in England to insure from injury upon this occasion, the citizens of the United States, and which appear to you to be even yet insufficient, I am confident that in every doubtful case the usual liberality of our tribunals will be exercised in determining upon the circumstances of it; and it was at Mr. Pinkney's express requisition, that additional instructions were given to the commanders of his majesty's ships of war and privateers to extend to vessels trading to the colonies, plantations and settlements of Holland, the same exemption from capture and molestation, as was granted to vessels sailing for any of the ports of Holland.

On the subject of return cargoes from those ports, I must observe, that although it was intended to prevent as far as was practicable the inconveniencies likely to be created by the unauthorised agreement made here in April last, yet it was not and could not be intended to obviate all possible inconveniencies even such as might have arisen if no such agreement had ever been made.

If an American vessel had sailed from America for Holland in time of profound peace, or in time of war, the ports of Holland not being at the date of sailing under blockade, it might yet have happened that, in the period between the commencement of such

voyage and the arrival of the vessel at the port of destination, a blockade might have been established before that port. The vessel arriving would, in that case, have been warned not to enter the port, and would have been turned away with the loss of the whole object of the voyage. This would be no extraordinary hardship, and would afford no legitimate ground of complaint.

The order in council is far less strict than such a blockade would be, forasmuch as it provides for the original voyage, commenced in expectation of being admitted to the port of destination, by permitting the entry into the ports of Holland; and it is no just ground of complaint, that it does not superadd to that permission the liberty to re-export a cargo of the enemy's goods or produce.

I beg leave briefly to recapitulate the substance of what I have had the honor to convey to you, as well in a verbal, as in written communications.

I have informed you of the reasons of his majesty's disavowal of the agreement so often mentioned; I have shewn them, in obedience to the authority which you have quoted, to be both strong and solid, and such as to outweigh, in the judgment of his majesty's government, every other consideration which you have contemplated; I have shewn that that agreement was not concluded in virtue of a full power, and that the instructions given on the occasion, were violated.

Beyond this point of explanation which was supposed to have been attained; but which is now given by the present letter, in the form understood to be most agreeable to the American go-

vernment, my instructions are prospective; they look to substituting for notions of good understanding, erroneously entertained, practical stipulations on which a real reconciliation of all differences may be substantially founded; and they authorise me not to renew proposals which have already been declared here to be unacceptable; but to receive and discuss any proposal made on the part of the United States, and *eventually* to conclude a convention between the two countries. It is not of course intended to call upon me to state as a preliminary to negotiation, what is the whole extent of those instructions; they must, as I have before said, remain subject to my own discretion, until I am enabled to apply them to the overtures which I may have the honor of receiving from you.

I have the honor to be,

With great respect,

Sir,

Your most obedient servant,

F. J. JACKSON.

—

MR. JACKSON TO THE SECRETARY
OF STATE.

Washington, October 27th, 1809.

SIR,

Finding by your letter of the 19th instant that, notwithstanding the frequent statements made by me in our conferences of the terms of satisfaction which I am empowered to offer to this country for the unauthorised attack made by one of his majesty's ships of war, upon the frigate of the United States the Chesapeake, I have not had the good fortune to

make myself distinctly understood by you, I have the honor to enclose herewith a paper of memoranda, containing the conditions on the basis of which I am ready to proceed to draw up with you the necessary official documents in the form proposed in my letter of the 11th instant, or in any other form upon which we may hereafter agree.

I have the honor to be,

With great respect,

Sir,

Your most obedient humble servant,

F. J. JACKSON.

ENCLOSED IN MR. JACKSON'S LETTER OF THE 27TH. OCT. 1809.

The President's proclamation of July, 1807, prohibiting to British ships of war the entrance into the harbors of the United States having been annulled, his majesty is willing to restore the seamen taken out of the Chesapeake, on reserving to himself a right to claim in a regular way, by application to the American government, the discharge of such of them, (if any) as shall be proved to be either natural born subjects of his majesty, or deserters from his majesty's service.

His majesty is willing to make a provision for the families of such men as were slain on board the Chesapeake in consequence of the unauthorised attack upon that frigate, provided that such bounty shall not be extended to the family of any man who shall have been either a natural born subject of his majesty, or a de-

serter from his majesty's service.

THE SECRETARY OF STATE TO
MR. JACKSON.

*Department of State, November 1,
1809.*

SIR,

Your letter of the 23d ultimo, which was duly received, would have been sooner acknowledged, had I not by my sickness been rendered for several days utterly unfit for business.

Although the delay and the apparent reluctance, in specifying the grounds of the disavowal of the arrangement with respect to the orders in council, do not correspond with the course of proceeding deemed most becoming the occasion; yet as the explanation has at length been thus made, it only remains, as to that part of the disavowed arrangement, to regret that such considerations should have been allowed to outweigh the solid objections to the disavowal; it being understood at the same time that his Britannic majesty perseveres in requiring as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with enemies colonies, and also a permission to the British navy to aid in executing a law of Congress; pretensions which cannot but render abortive all proposals whatever upon this subject, whether made by the United States or by his Britannic majesty.

Whilst you have deemed it

proper to offer an explanation with respect to the disavowal of one part of the arrangement, I must remind you that there is not to be found in your letter any like specification of the reasons for the disavowal, nor particularly is it shewn that the instructions were violated as to the other part, viz. the case of the Chesapeake; the case in which in an especial manner an explanation was required, and in which only you professed to have authority to make to this government any overtures.

For the first time it is now disclosed that the subjects arranged with this government by your predecessor, are held to be not within the authority of a minister plenipotentiary, and that not having had a "full power distinct from that authority his transactions on those subjects might of right be disavowed by his government." This disclosure, so contrary to every antecedent supposition and just inference, gives a new aspect to this business. If the authority of your predecessor, did not embrace the subjects in question, so as to bind his government, it necessarily follows, that the only credentials, yet presented by you being the same with those presented by him, give you no authority to bind it; and that the exhibition of a "full power" for that purpose, such as you doubtless are furnished with, is become an indispensable preliminary to further negotiation; or to speak more strictly, was required in the first instance by the view of the matter now disclosed by you. Negotiation without this preliminary would not only be a departure from the principle of equali-

ty which is the essential basis of it, but would moreover, be a disregard of the precautions and on the self respect enjoined on the attention of the United States by the circumstances which have hitherto taken place.

I need scarcely add, that in the full power alluded to, as a preliminary to negotiation, is not intended to be included either the whole extent or any part of your instructions for the exercise of it. These of course, as you have justly remarked, remain subject to your own discretion.

I abstain, Sir, from making any particular animadversions on several irrelevant and improper allusions in your letter not at all comporting with the professed disposition to adjust in an amicable manner the differences unhappily subsisting between the two countries. But it would be improper to conclude the few observations, to which I purposely limit myself, without adverting to your repetition of a language implying a knowledge on the part of this government that the instructions of your predecessor did not authorise the arrangement formed by him. After the explicit and peremptory asseveration that this government had no such knowledge, and that with such a knowledge no such arrangement would have been entered into, the view, which you have again presented of the subject, makes it my duty to apprise you, that such insinuations are inadmissible in the intercourse of a foreign minister with a government that understands what it owes to itself.

I have the honor to be, &c.

R. SMITH.

MR. JACKSON TO THE SECRETARY
OF STATE.

Washington, 4th November, 1808.

SIR,

When I forwarded to my court, your letter of the 19th ultimo, and the answer which I returned to it, I imagined, and I may add I hoped, that the retrospective correspondence, into which you thought it necessary to enter with me had been closed. You will, no doubt, recollect with what reluctance I acquiesced in your intimation on this head; not, as I believe has been seen, from any difficulty in maintaining the justice of the cause which is entrusted to me, but because I was, and still am, of opinion, that this sort of correspondence is not calculated to remove difference and soothe irritations of the most unfortunate tendency. As, however, I had no choice but to renounce, for the present, the hope of effectuating this desirable object, or to pursue it in the manner prescribed in your letter of the 9th ultimo, so I am now unwillingly compelled to enter upon the consideration of another letter from you under date of the 1st instant, which but too strongly confirms the opinion I before entertained.

Since, Sir, it has been judged expedient to confine to a written form this important and interesting discussion; since that mode has been declared by you to be indispensable, I will first appeal to the written communications which have passed between us; and I do this with the greater satisfaction, because I consider it to be the chief cause of the present re-

markable state of things, that in speaking of engagements contracted or supposed to have been contracted between the two countries, *understandings* or *implied engagements*, have been allowed to take place of written compacts and have been considered, in some instances, as having the same validity. It is further more necessary to place in the most unequivocal light a topic, which I observe to be constantly and prominently restated in your letters, notwithstanding the repeated, but as it should seem, fruitless endeavours used in mine, to clear it from the slightest shadow of obscurity.

You say, "That it is understood that his Britannic majesty perseveres in requiring as indispensable conditions on the part of the United States, an entire relinquishment of the right to trade with the enemies colonies, and also a permission to the British navy to aid in executing a law of Congress."

This same statement is contained in your letter of the 9th instant, and represented as the substance of what had fallen from me in our previous conferences. In my answer to that letter, I took the liberty, of shewing that such a supposition was erroneous, and I have looked in vain to my letter of the 23d, to find in it any suggestion of a similar tenor. I believe, therefore, that by reference to my two letters you will find, that the statement now again brought forward, is contained in neither of them, that it made no part of my previous conversations with you, and that I have in no way given room to suppose, that I ever made any such statement at all.

That before the orders in council can be revoked, their object must be obtained in some other way, is unquestionably true; but you may be assured, Sir, that there is no wish whatever entertained in England, that the British navy should be employed in executing a law of Congress. If the proposal that was made upon that subject, and made as you now know, because it was believed to be acceptable here, had been adopted, and had become a matter of compact, between the two countries, and thereby a part, not of the law of Congress, but of the public law binding upon both parties, and which both would have had a common interest in seeing duly executed; in that case the agency of the British navy would not have had the invidious aspect, which is now attempted to be given to it. At present there is no engagement between the two countries, no laws of Congress which bear a reference to any such engagement, and consequently it cannot be wished to take any share whatever in the execution of those laws.

In regard to the colonial trade I need only observe, that all or nearly all the enemies colonies are blockaded by British squadrons, it cannot, therefore, be so much an object of solicitude as you imagine, to obtain the relinquishment of the trade of any country to those colonies. On the contrary you will find it stated in my letter of the 11th ultimo, to be a "matter of indifference whether the order in council (on this subject) be continued, or an arrangement by mutual consent substituted in its room."

When I informed you that the

agreement concluded here in April last, had been framed in deviation from the instructions given for the occasion, my explanation was intended to apply to both parts of that agreement: that nothing, required by the most scrupulous accuracy, may be wanting, I now add, that the deviation consisted in not recording in the official document signed here, the abrogation of the President's proclamation of the 2d July, 1807, as well as the two reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ultimo.

There is another motive for the disavowal of this part of the arrangement, considered to be so strong and so self evident upon the very face of the transaction, that I am not commanded to do more than indicate it in the manner I have already done. By this forbearance his majesty conceives that he is giving an additional pledge of his sincere disposition to maintain a good understanding with the United States.

I am somewhat at a loss to give a distinct reply to that part of your letter which relates to Mr. Erskine's authority to conclude with you in virtue of his general letter of credence, because I do not very distinctly understand the tendency of it. I never before heard it doubted that a full power was requisite to enable a minister to conclude a treaty; or that a mere general letter of credence was insufficient for that purpose.

If it were otherwise, and a government were in all cases to be bound by the act, however unauthorised, of an accredited minister, there would be no safety in

the appointment of such a minister, and ratifications would be useless. No full power was given in the present case, because it was not a treaty, but the materials for forming a treaty, that was in contemplation.

In his despatch of the 23d January, Mr. Secretary Canning distinctly says to Mr. Erskine, "upon receiving through you, on the part of the American government, a distinct and official recognition of the three above-mentioned conditions, his majesty will lose no time in sending to America a minister fully empowered to consign them a formal and regular treaty."

This minister would of course, have been provided with a full power; but Mr. Erskine was to be guided by his instructions, and had the agreement concluded here been conformable to them, it would without doubt have been ratified by his majesty. I must beg your very particular attention to the circumstance that his majesty's ratification has been withheld, not because the agreement was concluded without a full power, but because it was altogether irreconcilable to the instructions on which it was professedly founded. The question of the full power was introduced by yourself to give weight, by a quotation from a highly respected author, to your complaint of the disavowal; in answer to which I observed that the quotation did not apply, as Mr. Erskine had no full power. Never did I imagine, or anywhere attempt to rest, the right of disavowal upon that circumstance; indubitably his agreement would nevertheless have been ratified, had not the instructions,

which in this case took the place of a full power, been violated.

I am surprised at the transition by which it appears to you that this part of the subject is connected with the authority empowering me to negotiate with you. It will not, I dare say, have escaped your recollection that I informed you at a very early period of our communications, that in addition to the usual credential letter, his majesty had been pleased to invest me with a full power, under the great seal of his kingdom, for the express purpose of concluding a treaty or convention. I well remember your testifying your satisfaction at the circumstance; and I have only now to add that I am ready, whenever its suits your convenience, to exchange my full power against that with which you shall be provided for the progress of our negotiation.

I am concerned, Sir, to be obliged a second time to appeal to those principles of public law, under the sanction and protection of which I was sent to this country. Where there is not freedom of communication in the form substituted for the more usual one of verbal discussion, there can be little useful intercourse between ministers; and one, at least, of the epithets which you have thought proper to apply to my last letter, is such as necessarily abridges that freedom. That any thing therein contained may be irrelevant to the subject, it is of course competent in you to endeavour to shew; and as far as you succeed in so doing, in so far will my argument lose of its validity; but as to the propriety of my allusions, you must allow me

to acknowledge only the decision of my own sovereign, whose commands I obey, and to whom alone, I can consider myself responsible. Beyond this, it suffices that I do not deviate from the respect due to the government to which I am accredited.

You will find that in my correspondence with you, I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and least of all should I think of uttering an insinuation, where I was unable to substantiate a fact. To facts, such as I have become acquainted with them I have scrupulously adhered, and in so doing I must continue, whenever the good faith of his majesty's government is called in question, to vindicate its honor and dignity, in the manner that appears to me best calculated for that purpose.

I have the honor to be, &c.

F. J. JACKSON.

THE SECRETARY OF STATE TO
MR. JACKSON.

*Department of State, November
8th, 1809.*

SIR,

In my letter of the 19th ultimo, I stated to you that the declaration in your letter of the 11th, that the despatch from Mr. Canning to Mr. Erskine of the 23d January was the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on

the matter to which it related, was then for the first time made to this government. And it was added that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it, were the only ones on which he was authorised to make an arrangement, the arrangement would not have been made.

In my letter of the 1st instant, adverting to the repetition in your letter of the 23d ultimo of a language implying a knowledge in this government that the instructions of your predecessor did not authorise the arrangement formed by him, an intimation was distinctly given to you that, after the explicit and peremptory asseveration that this government had not any such knowledge, and that with such a knowledge, such an arrangement would not have been made, no such insinuation could be admitted by this government.

Finding that in your reply of the 4th instant, you have used a language which cannot be understood but as reiterating and even aggravating the same gross insinuation, it only remains in order to preclude opportunities which are thus abused, to inform you, that no further communications will be received from you, and that the necessity of this determination will, without delay, be made known to your government. In the mean time a ready attention will be given to any communications, affecting the interests of the two nations, through any other channel that may be substituted.

I have the honor to be, &c.

R. SMITH.

Mr. Oakley, his majesty's secretary of legation, is desired by Mr. Jackson to state to the secretary of state, that, as Mr. Jackson has been already once most grossly insulted by the inhabitants of the town of Hampton, in the unprovoked language of abuse held by them to several officers bearing the king's uniform, when those officers were themselves violently assaulted and put in imminent danger; he conceives it to be indispensable to the safety of himself, of the gentlemen attached to his mission, and of his family, during the remainder of their stay in the United States, to be provided with special passports or safeguards from the American government. This is the more necessary, since some of the newspapers of the United States are daily using language whose only tendency can be to excite the people to commit violence upon Mr. Jackson's person. In consequence he requests, that the under-mentioned names may be inserted in the document to be furnished him.

Francis James Jackson,
Mrs. Jackson,
Their Three Children.

Charles Oakley, Esq.
His majesty's secretary of legation.

Mr. George Otley,
Private secretary.

Servants.

Robert Clayring,
Francis Martin,
William Attre,
Charles Beecroft,
Richard Lowe,
John Price,
John Lilly,

James Wright,
Amelia George,
Mary Smith,
Harriet Patten,
Martha Wood,
Frances Blackwell.

(This note was received at the department of state on the 11th of November.)

Mr. Oakley is desired, by Mr. Jackson, to say to the secretary of state :

That Mr. Jackson has seen with much regret, that facts which it has been his duty to state in his official correspondence, have been deemed by the American government to afford a sufficient motive for breaking off an important negotiation, and for putting an end to all communication whatever with the minister charged by his sovereign with that negotiation so interesting to both nations, and on one point of which an answer has not even been returned to an official and written overture.

One of the facts alluded to has been admitted by the secretary of state himself, in his letter of the 19th October, viz. that the three conditions, forming the substance of Mr. Erskine's original instruction were submitted to him by that gentleman. The other, viz. that that instruction is the only one in which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it related, is known to Mr. Jackson by the instructions which he has himself received.

In stating these facts and in adhering to them, as his duty imperiously enjoined him to do, Mr.

Jackson could not imagine that offence would be taken at it by the American government, as most certainly none could be intended on his part; but since he has been informed by the secretary of state, that no farther communications will be received from him, he conceives that he has no alternative that is consistent with what is due to the king's dignity, but to withdraw altogether from the seat of the American government, and await the arrival of his majesty's commands upon the unlooked-for turn which has thus been given to his affairs in this country.

Mr. Jackson means to make New York the place of his residence.

Washington, 13th Nov. 1809.

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THE SECRETARY OF STATE TO
MR. PINKNEY.

*Department of State, November
23d, 1809.*

SIR,

My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt, on finding that he had not been charged to make to this government either the frank explanations or the liberal propositions which the occasion manifestly required. Instead of this obvious course of proceeding, it was in the outset perceived that his object was to bring us to resume the subjects of the arrangement of April, in a way that would imply that we were aware that the arrangement was not

binding on his government, because made with a knowledge on our part, that Mr. Erskine had no authority to make it; and thus to convert the responsibility of his government for the disavowal, into a reproach on this for its conduct in the action disavowed.

In the first instance, it was deemed best rather to repel his observations argumentatively than to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition of the offence. And even on his farther insinuations nothing more was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This also being without effect, nothing remained but the step finally taken. And there was the less hesitation in shutting the door to further opportunities for insulting insinuations, as the disclosures he had made, and the spirit of his discussions had so entirely shut it to the hope of any favorable result from his mission.

I will not dwell on his reluctance to give up the uncertainties of verbal for the precision of written discussion: nor on the *manner* or the *time* of his denial that he had given any room at all for a statement, which, in order to guard against the misconceptions incident to verbal conferences, I had placed before him in writing, with a request that he would point out any inaccuracies, and to which he did not *then* object, otherwise than by intimating, that he could not have made the statement *with the particular view which seemed to be supposed*. Nor will I dwell on the various instances in which partial or inconsis-

tent views of the subject have taken place of its real merits. But it may not be amiss to make some observations on the correspondence, as it relates to the *justification of his government* in having disavowed the act of his predecessor.

With respect to the orders in council, the *ground* of the disavowal is the *difference* between the arrangement and the printed despatch of Mr. Canning to Mr. Erskine on the 23d of January. According to this despatch then the arrangement failed in three points.

1. In not relinquishing the trade of the United States with enemies colonies.

With respect to this point, it is not necessary at this time to discuss the right to that trade. It is sufficient to remark, 1st, that as the trade is admitted to have become, in the view of Great Britain, of little practical importance, why has it been made a ground of the disavowal, and especially, as important considerations only could, upon principles of public law, have justified a measure of so serious a character? 2. That as the colonial trade is a subject no wise connected either with the orders in council or with the affair of the Chesapeake, why has it been permitted to frustrate an arrangement relating to those subjects, and to those only? 3. That as this condition is alleged to have originated in a supposition that it would be agreeable to the American government, why has it been persisted in after the error was made known by the representation of Mr. Erskine to his government, that neither this nor the other conditions of

the despatch of the 23d January were attainable here?

2. Another point in the despatch, and not in the arrangement, is, that the British navy might capture our trade to ports prohibited by the United States.

This condition too, appears to have had its origin in a mistake of your meaning in a conversation with Mr. Canning, as noted by yourself, and in an inference thence deduced as to the disposition of this government. But this double mistake must have been brought to light in time to have been corrected in the new mission. In urging it, Mr. Canning has taken a ground forbidden by those principles of decorum which regulate and mark the proceedings of governments towards each other. In his despatch the condition is stated to be for the purpose of *securing the bona fide intention* of America to prevent her citizens from trading with France, and certain other powers? in other words, to secure a pledge to that effect against the *mala fide* intention of the United States. And this despatch too, was authorised to be communicated *in extenso* to the government of which such language was used. Might it not have been reasonably expected that such a condition and such observations would, at least on such an occasion, have been given up by a government willing to smooth the way to an amicable settlement of existing differences?

In his zeal to vindicate his government, Mr. Jackson too, has attempted a gloss on this most extraordinary idea of calling on a foreign sovereignty, not indeed to make laws for us, but what is e-

quivalent in principle, to supply a supposed inability to execute them. He calls such an interposition of his government not an execution of the law of Congress, but of a compact binding as a public law on both parties, and which both would have a common interest in seeing duly executed. On his own principles there ought to be a reciprocity, not only in the execution of the compact but in the obligation and interest resulting from it. Besides, where there is a reciprocity in compacts between nations touching attributes of sovereignty, there is always as much of sovereignty, gained as is parted with, so that there be no loss nor indignity on either side.

3. The remaining point in the despatch not secured by the arrangement, is that which required that whilst our prohibitory laws should be repealed as to Great Britain, they should be left in force as to France and the powers adopting or acting under her decrees.

This is the condition which alone properly belongs to the subject, and it is to be remarked in the first place, that the British project, of which this condition makes a part, contemplated two things in their nature incompatible; one a repeal of the prohibitory acts as to Great Britain, without waiting for the conclusion of a regular treaty; the other a pledge or engagement for their continuance as to other powers. Now from the nature of our constitution, which in this particular ought to have been attended to by the British government, it is manifest, that the executive authority could have given no such pledge, that the continu-

ance of the prohibitory acts, being a subject of legislative consideration, could not have been provided for until the meeting of the legislature, and that the condition could not therefore but have failed either in the immediate renewal of commerce with Great Britain, or in the immediate engagement that it should not be renewed with France.

The British government ought to have acquiesced in, and indeed ought to have been satisfied with, the attainment of the important object of an immediate repeal of our prohibitory laws and with the consideration that the other object, not immediately attainable, was unnecessary at the time, because the prohibition as to France was then in force, and because there was every reason to infer not only from this fact but from the spirit of the communications made from time to time and from the overtures before submitted to the British government, that without a repeal of the French decrees, our prohibitory laws would be continued in force against France, and especially in the case of a repeal of the British orders, which would necessarily render a continuance of the French decrees doubly obnoxious.

But if on this head doubts could have been entertained, instead of rejecting the arrangement, ought not the repealing act on our part to have been met with a suspension at least of the orders in council, until it could have been seen whether the non-intercourse law, would or would not have been continued against France. Such a suspension would not have given in any point of view more advantage to the United States than was given to

Great Britain by the repeal, which had taken place on their part.

If this reasonable course could not have been substituted for the disavowal, why was not a final disavowal suspended with a proposition that the arrangement would be executed by Great Britain in the event of a compliance on the part of the United States with the condition required as to France?

I am not unaware you may be told that the non-intercourse law of the United States did not extend to Holland, though so intimately connected with France and so subservient to her decrees against neutral commerce.

It would not be improper on this occasion to observe, that this objection can be the less urged by Great Britain as she has herself never in her alleged retaliations adhered to the principle on which they were founded.

Thus she has from the date of them, until very lately, directed them against the American trade even to Russia, although Russia had never adopted the French decrees, nor otherwise violated our neutral trade with Great Britain. So in her order of April last, she has discriminated, not only between the countries devoted to France by the ties of blood, and other powers, but between Holland, Westphalia and Naples in enforcing her prohibitory order against the first, and not against the two last. Whilst therefore she finds it expedient to make these distinctions, she ought to presume that we too may perceive equal propriety in the distinctions we have made.

But it may be of more importance here to compare the British order in council of April

last with the arrangement of April made by Mr. Erskine. It will thence be seen how little is the real difference and how trivial it is when compared to the extensive and serious consequences of the disavowal.

Under the order in council of April, all the ports of Europe, except France, including the kingdom of Italy and Holland with their dependencies, are opened to our commerce.

Under the arrangement of April combined with our act of non-intercourse, all the ports of Europe except France and her dependencies, including the kingdom of Italy would have been opened to our commerce.

The difference then is reduced merely to Holland and that again is reduced to the difference between a direct trade to the ports of Holland and an indirect trade to Holland through the neighboring ports of Tonningen, Hamburg, Bremen and Emden.

Now, as the injuring of the enemies of Great Britain is the only avowed object of her interdicting order against our trade, let a computation be made of the effect, which this difference between the order in council and the arrangement, could possibly have in producing such an injury. And then let the question be candidly answered whether, laying aside all considerations of right and justice, sufficient inducements could have been found in that result for rejecting the arrangement and for producing the consequent embarrassments as well to Great Britain as to the United States.

If it be necessary, as Mr. Jackson has stated, to set bounds to a spirit of encroachment and uni

versal dominion, which would bend all things to its own standard, and to falsify by honorable and manly resistance an annunciation that all Europe is submitting by degrees, the effort must be feeble indeed, which is to be found in the inconvenience accruing to the formidable foe from the operation of this order in council, and especially when we combine with it the strange phenomenon of substituting for the lawful trade of the United States, a trade of British subjects, contrary to the laws of the adverse party, and amounting, without a special license, in the eye of British law to high treason.

Thus much for the orders in council. What has taken place with respect to the case of the Chesapeake will equally engage your attention.

You will perceive that throughout the early stages of the correspondence this case was in some respects improperly confounded with, in others improperly separated from, that of the orders in council; and particularly that pains had been taken by Mr. Jackson to substitute verbal and vague observations, on the disavowal of this part of the arrangement, for an explicit and formal explanation, such as was obviously due. It will be seen also that when finally brought to the point, he referred for a justification of the disavowal, to the departure of Mr. Erskine from his instructions, without *showing* what those instructions were, and to allusions to an expression in the arrangement without giving to his meaning the distinctness prerequisite to a just reply.

It appears however that he lays great stress on the proposal en-

closed in his letter of the 27th of October, as at once indicating the departure of Mr. Erskine, from his instructions, and as containing the conditions on the basis of which he was ready to enter on an adjustment. And from a note from the secretary of the British legation, it appears that he has complained of not having received an answer to this proposal, as he had before complained that no answer had been given to his verbal disclosures on this head in his interviews with me.

With respect to his intimations in conversation, as they were preceded by no proper assignment of the reasons for not having executed the original adjustment, it cannot be necessary to remark that no such notice, as he wished to obtain, could with any sort of propriety have been taken of them.

With respect to his written project, it will suffice to remark;

1st. That besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal until he had made such progress in his offensive insinuation, as made it proper to wait the issue of the reply about to be given to it, and that this issue had necessarily put a stop to further communications.

2d. That although he had given us to understand that the ordinary credentials, such alone as he had delivered, could not bind his government in such a case, his proposal had neither been preceded by, nor accompanied with, the exhibition of other commission or full power. Nor indeed has he ever given sufficient reason to suppose that he had any such full power to exhibit in relation to this particular case.—It is true that in

his letter of the 23d October, he has stated an authority *eventually* to conclude a convention between the two countries. Without adverting to the ambiguity of the term *eventually*, with the mark of emphasis attached to it, and to other uncertainties in the phraseology, it is clear that the authority referred to, whatever it may be, is derived from instructions *subject to his own discretion*, and not from a patent commission, such as might be properly called for. It is true also that in his letter of the 4th of November subsequent to his proposal, he says he was possessed of a full power, in due form, for the express purpose of concluding a treaty or convention. But it still remains uncertain, whether by the treaty or convention to which it related, was not meant an *eventual* or provisional treaty on the general relations between the two countries, without any reference to the case of the Chesapeake. Certain it is that the British government, in former like cases, as will be seen by the adjustment of that part of the affair at Nootka Sound which is analogous to this case, did not consider any such distinct full power as necessary; nor is there the slightest ground for supposing that Mr. Erskine, although confessedly instructed to adjust this very case of the Chesapeake, was furnished with any authority distinct from his credential letter. That Mr. Jackson has any such commission is the less to be supposed, as it is but barely possible, that possessing it, he should not on some occasion, or in some form, have used a language susceptible of no possible doubt on this point.

But, proceeding to the proposal

itself, it is to be kept in mind that the conditions forming its basis, are the very conditions for the deviating from which Mr. Erskine's adjustment was disavowed. Mr. Jackson, if not on others, is on this point explicit.—“Inow add,” says he, “that the deviation consisted in not recording in the official document signed here the abrogation of the President's proclamation of the 2d July 1807, as well as the two reserves specified in the paper of memoranda enclosed in my official letter to you of the 27th ultimo.”

Considering then the conditions in the proposal as an ultimatum, in what light are we compelled to view such an attempt to repair the outrage committed on the frigate Chesapeake, and to heal the disappointment produced by a disavowal of a previous equitable reparation.

It is impossible on such an occasion not to recal the circumstances which constituted the character of the outrage, to which such an ultimatum is now applied. A national ship, proceeding on an important service, was watched by a superior naval force, enjoying at the time the hospitality of our ports, was followed and scarcely out of our waters when she was, after an insulting summons, attacked in a hostile manner; the ship so injured as to require expensive repairs, the expedition frustrated, a number of the crew killed and wounded, several carried into captivity, and one of them put to death under a military sentence. The three seamen, though American citizens, and therefore on every supposition detained as wrongfully as the ship would have been detained,

have notwithstanding now remained in captivity between two and three years; and it may be added, after it has long ceased to be denied that they are American citizens.

Under these circumstances we are called upon to ransom the captives;

1st. By acknowledging that a precautionary proclamation, justified by events preceding the outrage, by the outrage itself, and by what immediately followed it, was unjustifiable, and that a repeal of it was properly a condition precedent to a reparation for the outrage. And this requisition is repeated too, after such an acknowledgment had been uniformly asserted by this government to be utterly inadmissible, and what is particularly remarkable, at a time when the proclamation, as is well understood, was no longer in force. The occasion obviously invited a silent assumption of the existing fact, and this would have excluded the difficulty heretofore found to be insuperable.

2d. By throwing into complete oblivion the conduct of the officer answerable for the murderous transaction, with a knowledge too on our part that, instead of being punished or even brought to trial, he has been honored by his government with a new and more important command.

3d. By admitting a right on the part of Great Britain to claim a discharge from our service of deserters generally, and particularly of her natural born subjects, without excepting such as had been naturalized in due form under the laws of the United States.

It has not been explained, whether it was meant, as the univer-

sality of the term "deserters" would import, to include American citizens, who might have left the British service. But what possible consideration could have induced the British government to expect, that the United States could admit a principle that would deprive our naturalized citizens of the legal privileges, which they hold in common with their native fellow citizens. The British government, less than any other, ought to have made such a proposition, because it not only, like others, naturalizes aliens, but, in relation to the United States, has even refused to discharge from the British service native citizens of the United States, involuntarily detained. If an American seaman has resided in Great Britain, or has married therein, or has accepted a bounty in her naval service, his discharge therefrom, on the regular application to the British government, has been invariably refused by its board of admiralty. This I state on the authority of the official reports made to this department. It is therefore truly astonishing that, with a knowledge of these facts, such a pretension should have been advanced at all, but above all, that it should have been made a *sine qua non*, to an act of plain justice already so long delayed.— This is the more to be regretted, as the omen does not favor the belief, we would willingly cherish, that no predetermination exists in the councils of his Britannic majesty irreconcilable to an amicable arrangement of an affair which, affecting so deeply the honor of the United States, must precede a general regulation of the mutual interests of the two countries.

After the correspondence with Mr. Jackson was terminated, two notes, of which copies are herewith sent to you, were presented to me, in the name and by the hand of Mr. Oakley, the British secretary of legation.

The first requested a document, having the effect of a special passport or safeguard to Mr. Jackson and his family, during their stay in the United States. As the laws of this country allow an unobstructed passage through every part of it, and with the law of nations equally in force, protect public ministers and their families in all their privileges, such an application was regarded as somewhat singular. There was no hesitation, however, in furnishing a certificate of his public character, and to be used in any mode he might choose. But what surprised most was, the reasons assigned for the application. The insult he alluded to was then, for the first time brought to the knowledge of this government. It had, indeed, been among the rumours of the day, that some unbecoming scene had taken place at Norfolk or Hampton, between some officers belonging to the *Africaine* and some of the inhabitants, and that it originated in the indiscretion of the former. No attention having been called for and no inquiry made, the truth of the case is unknown. But it was never supposed that Mr. Jackson himself, who was on board the frigate, had been personally insulted; nor is it yet perceived in what way he considers it as having happened. It is needless to remark, that any representation on the subject would have instantly received every proper attention.

Another ground on which a protection was asked for, is the supposed tendency of the language of our newspapers to excite popular violence on Mr. Jackson's person. Had he been longer and better acquainted with the habits and spirit of the American people, he would probably never have entertained an apprehension of that sort. If he meant to animadvert on the free language of the newspapers, he might justly be reminded that our laws, as those of his own country, set bounds to that freedom; that the freedom of British prints, however great with respect to public characters of the United States, has never been a topic of complaint, and that supposing the latitude of the American press to exceed that of Great Britain, the difference is infinitely less in this respect between the two, than between the British press and that of the other nations of Europe.

The second note seems to be essentially intended as a justification of the conduct of Mr. Jackson, in that part of his correspondence which had given umbrage. If he intended it as a conciliatory advance, he ought not to have preceded it by a demand of passports, nor by the spirit or the manner in which that demand was made. He ought in fact, if such was his object, to have substituted an explanation in the place of his reply to my premonitory letter. But whether he had one other, or both of these objects in view, it was necessary for him to have done more than is attempted in this paper.

It was never objected to him, that he had stated it as a fact, that the three propositions in question had been submitted to me by Mr.

Erskine, nor that he stated it, as made known to him by the instructions of Mr. Canning; that the instruction to Mr. Erskine containing those three conditions, was the only one from which his authority was derived to conclude an arrangement on the matter to which it related. The objection was, that a knowledge of this *restriction* of the authority of Mr. Erskine was imputed to this government, and the repetition of the imputation even after it had been peremptorily disclaimed. This was so gross an attack on the honor and veracity of this government as to forbid all further communications from him. Care was nevertheless taken, at the same time, to leave the door open for such as might be made through any other channel, however little the probability that any satisfactory communications would be received through any channel here.

To the other enclosures I add a printed copy of a paper purporting to be a circular letter from Mr. Jackson to the British consuls in the United States. The paper speaks for itself. As its contents entirely correspond with the paper last referred to, as they were unnecessary for the ostensible object of the letter, which was to make known Mr. Jackson's change of residence, and as the paper was at once put into public circulation, it can only be regarded as a virtual address to the American people of a representation previously addressed to their government; a procedure which cannot fail to be seen in its true light by his sovereign.

The observations, to which so much extent has been given in

this letter, with those contained in the correspondence with Mr. Jackson will make you fully acquainted with the conduct and the character he has developed; with the necessity of the step taken in refusing further communications with him, and with the grounds on which the President instructs you to request that he may be immediately recalled. You are particularly instructed, at the same time, in making those communications, to do it in a manner that will leave no doubt of the undiminished desire of the United States to unite in all the means the best calculated to establish the relations of the two countries on the solid foundation of justice, of friendship, and of mutual interest.

I have the honor to be,

With great respect and consideration,

Sir,

Your obedient servant,

R. SMITH.

—

DOCUMENTS ACCOMPANYING THE
MESSAGE OF THE PRESIDENT,
OF NOVEMBER 29th, 1809.

GENERAL ARMSTRONG TO MR.
SMITH, SECRETARY OF STATE.

Paris, 4th September, 1809.

SIR,

The letter of which I send you a copy, was received during my absence, and detained in Paris till my return. The note promised in it has not yet been received. Mr. Warden informs me, that the council of prizes have

been ordered to suspend their proceedings with regard to our vessels.

I have the honor to be,

Sir,

With high consideration,
Your most obedient and very
humble servant,

JOHN ARMSTRONG.

The honorable Robert Smith,
Secretary of State.

by the departure of the vessel to make this known to the Federal Government, and permit me also to send by that conveyance, some despatches to the minister plenipotentiary of his majesty to the United States.

Accept, Sir,

The assurances, &c. &c.

CHAMPAGNY.

(TRANSLATION.)

COUNT CHAMPAGNY TO GENERAL
ARMSTRONG, DATED,

Vienna, 8th of August, 1809.

SIR,

You have desired that one of the American vessels, which are in the ports of France, might be authorised to depart for the United States with your despatches. I have taken the orders of his majesty on the subject of this demand, and his majesty always disposed to facilitate your communications with your government, has permitted the departure of the vessel which you shall designate. I informed the ministers of the marine and of the finances of this disposition, requesting them to ensure the execution of it so soon as you shall have made known to them the name of the vessel and the port from which she is to depart.

I have the honor, Sir, to apologise you, that I shall forthwith address to you a note by order of his majesty, on the actual situation of our relations with the United States. Please to profit

EXTRACTS OF A LETTER FROM
GENERAL ARMSTRONG TO MR.
SMITH, SECRETARY OF STATE,
DATED,

Paris, 16th September, 1809.

"I received on the 6th instant, on my return from Holland, two notes from Count Champagny, copies of which I have the honor to enclose. In one of these you will find an exposition of the principles which have governed, and which will continue to govern the conduct of his majesty with regard to neutral commerce. To this, which was offered as a definitive answer to our propositions, I have believed that any reply, before I had received the farther instructions of the President would have been premature."

"Mr. Laurence arrived at L'Orient, on the 9th, and Mr. Hazewell at Paris, with your despatch of the 12th of August last, on the 13th instant. I immediately communicated to count Champagny the President's proclamation inderdicting anew all commercial intercourse between the United States and Great Britain, and gave such other explanations as the case appeared to require."

EXTRACT OF A LETTER FROM
COUNT CHAMPAGNY TO GENERAL
ARMSTRONG, DATED,

Altenburg, August 22d, 1809.

"I have the honor to address to you the subjoined note, which his majesty has ordered me to send to you, and which I have announced in my last despatch. If France does not do at this time, all that the United States of America can desire, your government will be able to see, that neither prejudice nor animosity influences its conduct; that it is the effect of its attachment to principles which the Americans, more than any other people, are interested in supporting, and of the necessity of reprisals which circumstances impose. The emperor will consider as an happy event, that which shall enable him to contribute to the prosperity of America, in leaving to its commerce all the liberty and all the extension which can render it flourishing."

—
OFFICIAL NOTE FROM COUNT
CHAMPAGNY TO GENERAL ARM-
STRONG.

Altenburg, August 22d, 1809.

SIR,

His majesty, the emperor, apprised that you are to send a vessel to America, has ordered me to make known to you the invariable principles which have regulated, and which will regulate his conduct on the great question of neutrals.

France admits the principle that the flag covers the merchandise.

A merchant vessel, sailing with all the necessary papers (avec les expéditions) from its government is a floating colony. To do violence to such a vessel, by visits, by searches and by other acts of an arbitrary authority, is to violate the territory of a colony: This is to infringe on the independence of its government. The seas do not belong to any nation; they are the common property of mankind, and the domain of all.

Enemy merchant vessels belonging to individuals ought to be respected: Individuals who do not fight, ought not to be made prisoners of war. In all her conquests, France has respected private property. The warehouses and the shops have remained with their proprietors. They have been free to dispose of their merchandise as they pleased, and at this moment a great number (convois) of waggons loaded principally with cotton, pass through the French armies, through Austria and Germany, on their way to such places as commerce has directed.

If France had adopted the usages of maritime war, all the merchandise of the continent of Europe would have been accumulated in France, and would have become a source of immense wealth. Such would have been, without doubt, the pretensions of the English, if they had had on the land that superiority which they have obtained at sea. We should have seen, as in the times of barbarism, the vanquished sold as slaves, and their lands parcelled out. Mercantile avari-

ty would have usurped every thing; and the return to barbarous usages would have been the work of the government of a nation that has improved the arts and civilization. That government is not ignorant of the injustice of its maritime code. But what signifies to it, what is just? It only considers what is useful to itself.

Such are the principles of the emperor on the usages and the rights of maritime war. When France shall have acquired a marine proportioned to the extent of her coasts and her population, the emperor will put more and more in practice these maxims, and will use his endeavors to render the adoption general.

The right, or rather the pretension of blockading, by a proclamation, rivers and coasts, is as monstrous (revoltante) as it is absurd. A right cannot be derived from the will or the caprice of one of the interested parties, but ought to be derived from the nature of things themselves. A place is not truly blockaded until it is invested by land and by sea; it is blockaded to prevent it from receiving the succours which might retard its surrender. It is only then that the right of preventing neutral vessels from entering it exists: for the place so attached, is in danger of being taken, and the dominion of it is doubtful, and contested by the master of the town and him who blockades or besieges it. Hence the right of preventing even neutrals from having access to it.

The sovereignty and the independence of the flag, are, like the sovereignty and the independence of the territory, the proper-

ty of all neutrals. A state may give itself to another, may destroy the act of its independence, may change its sovereign; but the rights of sovereignty are indivisible and unalienable, none can give up any part of them.

England has placed France in a state of blockade. The emperor, by his decree of Berlin, has declared the Britannic isles in a state of blockade. The first measure kept neutral vessels at a distance from France, the second has interdicted to them England.

By her orders in council of the 11th November, 1807, England has laid a toll on neutral vessels, and has obliged them to pass through her ports before they should go to the places of their destination. By a decree of the 17th of December of the same year, the emperor has declared vessels, whose flag shall have been violated, degraded, trodden under foot, as no longer belonging to their nation, (denationalise.)

To screen itself from the acts of violence, with which this state of things threatened its commerce, America laid an embargo in her ports; and although France, who had done nothing more than resort to reprisals, saw her interests and the interests of her colonies wounded by this measure, nevertheless the emperor applauded this generous determination of renouncing all commerce, rather than acknowledge the dominion (domination) of the tyrants of the seas. The embargo has been raised; a system of exclusion has been substituted for it. The continental powers leagued against England, make a common cause; they aim at the same ob-

ject; they will reap the same advantages; they ought also to run the same risques. The ports of Holland, of the Elbe, of the Weser, of Italy and of Spain, will not enjoy, (nejouiront) any advantages of which those of France may be deprived. They will both, (les uns et les autres) be either open or shut at the same time, to the commerce of which they may be the object.

Thus, Sir, France acknowledges in principle, the liberty of the commerce of neutrals and the independence of maritime powers. She has respected them until the moment when the maritime tyranny of England (which respected nothing) and the arbitrary acts of its government have forced her to measures of reprisal, which she has adopted, but with reluctance.

Let England revoke her declarations of blockade against France;—France will revoke her decree of blockade against England. Let England revoke her orders in council of the 11th November, 1808;—the decree of Milan will fall of itself. American commerce will then have regained all its liberty, and it will be sure of finding favor and protection in the ports of France. But it is for the United States by their firmness to bring on these happy results. Can a nation that wishes to remain free and sovereign, even balance between some temporary interests, and the great interests of its independence, and the maintenance of its honor, of its sovereignty and of its dignity?

Please to accept, Sir,

The assurances of my high consideration,

CHAMPAGNY.

MESSAGE FROM THE PRESIDENT
OF THE UNITED STATES TRANSMITTING EXTRACTS FROM THE
CORRESPONDENCE OF MR. PINKNEY.

*To the House of Representatives of
the United States.*

“ Agreeably to the request expressed in the resolution of the 13th instant, I lay before the House extracts from the correspondence of the minister plenipotentiary of the United States at London.

JAMES MADISON.

December 16, 1809.

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BRIEF ACCOUNT OF AN UNOFFICIAL CONVERSATION BETWEEN
MR. CANNING AND MR. PINKNEY, ON THE 18TH OF JANUARY, 1809, CONTINUED ON THE
22D OF THE SAME MONTH.

[*Transmitted by Mr. Pinkney to
the Secretary of State.*]

I dined at Mr. Canning's with the *corps diplomatique*, on the 18th January. Before dinner he came up to me, and entering into conversation, adverted to a report which he said had reached him that the American ministers, (here and in France) were about to be recalled. I replied, that I was not aware that such a step had been resolved upon. He then took me aside, and observed that, according to his view of the late proceedings of Congress, the resolutions of the House of Representatives, in committee of the whole, appeared to be calculated if passed into a law, to remove the impediments to arrangement

with the United States, on the subjects of the orders in council and the Chesapeake, by taking away the discrimination between Great Britain and France in the exclusion of vessels of war from American ports. He added that it was another favorable circumstance that the non-importation system, which seemed to be in contemplation, was to be applied equally to both parties, instead of affecting as heretofore Great Britain alone.

I proposed to Mr. Canning, that I should call on him in the course of a day or two for the purpose of a free communication upon what he had suggested. To this he readily assented; and it was settled that I should see him on the Sunday following (the 22d) at 12 o'clock, at his own house.

In the interview of the 22d, Mr. Canning's impressions appeared to be in all respects the same with those which he had mentioned on the 18th; and I said every thing which I thought consistent with candor and discretion to confirm him in his disposition to seek the re-establishment of good understanding with us, and especially to see in the expected act of Congress, (if it should pass) an opening for reconciliation.

It was of some importance to turn their attention here, without loss of time, to the manner of any proceeding that might be in their contemplation. It seemed that the resolutions of the House of Representatives, if enacted into a law, might render it proper, if not indispensable, that the affair of the Chesapeake should be settled at the same time with the business of the orders and embar-

go, and this I understood to be Mr. Canning's opinion and wish. It followed that the whole matter ought to be settled at Washington, and, as this was moreover desirable on various other grounds, I suggested that it would be well, (in case a special mission did not meet their approbation) that the necessary powers should be sent to Mr. Erskine.

In the course of the conversation, Mr. Canning proposed several questions relative to our late proposal: the principal were the two following:

1. In case they should wish either through me or through Mr. Erskine, to meet us upon the basis of our late overture, in what way was the effectual operation of our embargo as to France, &c. after it should be taken off as to Great Britain, to be secured? It was evident, he said, that if we should do no more than refuse clearances for the ports of France, &c. or prohibit under penalties voyages to such ports, the effect which my letter of the 23d of August, and my published instructions, proposed to have in view, would not be produced; for that vessels although cleared for British ports, might when once out go to France instead of coming here; that this would in fact be so, (whatever the penalties which the American laws might denounce against offenders) could not, he imagined he doubted; and he therefore presumed that the government of the United States would not, after it had itself declared a commerce with France, &c. illegal, and its citizens, who should engage in it, delinquents, and after having given to Great Britain by compact an interest in the

strict observation of the prohibition, complain if the naval force of this country should assist in preventing such a commerce.

2. He asked whether there would be any objection to making the repeal of the British orders and the American embargo contemporaneous? He seemed to consider this as indispensable. Nothing could be less admissible, he said, than that Great Britain after rescinding her orders, should for any time, however short, be left subject to the embargo in common with France, whose decrees were subsisting, with a view to an experiment upon France, or with any other view. The United States could not upon their own principles apply the embargo to this country one moment after its orders were removed, or decline after that event to apply it exclusively to France, and the powers connected with her in system.

I took occasion towards the close of our conversation to mention the recent appointment of admiral Berkeley to the Lisbon station. Mr. Canning said, that whatever might be their inclination to consult the feelings of the American government on that subject, it was impossible for the admiralty to resist the claim of that officer to be employed (no other objection existing against him) after such a lapse of time since his return from Halifax, without bringing him to a court-martial. The usage of the navy was in this respect different from that of the army. But I understood Mr. Canning to say that he might still be brought to a court-martial; although I did not understand him to say that this *would be* the case. He said that

admiral Berkeley, in what he had done, had acted wholly without authority. I did not propose to enter into any discussion upon the subject, and therefore contented myself with speaking of the appointment as unfortunate.

In both of these conversations, Mr. Canning's language and manner were in the highest degree conciliatory.

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EXTRACT OF A LETTER FROM
WILLIAM PINKNEY, ESQ. MINISTER
PLENIPOTENTIARY OF THE
UNITED STATES IN LONDON, TO
THE SECRETARY OF STATE,
DATED

London, May 23, 1809.

In the interview which took place (on May 25,) Mr. Canning said, that the British minister had acted in his late negotiation and engagements with you not only without authority, but in direct opposition to the most precise instructions; that the instructions actually given to him had been founded on his own letters received here in January, in which were set forth the particulars of several conversations that had passed between him and Mr. Madison, Mr. Gallatin and yourself, but especially the two last; that it appeared from these conversations that, in the opinion of the persons with whom they were held, the government of the United States would be willing that Great Britain should consider the measures then contemplated by Congress, relative to non-intercourse, and the indiscriminate exclusion of belligerent vessels from our waters, as presenting an open-

ing for the renewal of amicable discussions with this country ; that it would be disposed, in the case of the Chesapeake, to receive as sufficient reparation, in addition to the prompt disavowal and recal of admiral Berkeley, the restoration of the seamen forcibly taken out of that vessel ; that, on the subject of the orders in council, it would have no objection in case they were revoked as regarded the United States to repeal the embargo and non-intercourse laws as to Great Britain, and to continue them as to France and Holland and such other countries as should have in force maritime edicts similar to those of France, so long as those edicts remained ; that it would allow it to be understood that the British cruisers might capture American vessels attempting to violate the embargo and non-intercourse laws so modified ; that it would even agree to abandon during the present war, all trade with enemies' colonies from which we were excluded in peace ; that it was prepared to regulate by treaty, the commercial relations of the two countries, upon the basis of the most favoured nation, or upon that of reciprocal equality ; and, in a word, that it was extremely desirous of re-establishing the most perfect good understanding and the most friendly connection with Great Britain.

Mr. Canning proceeded to inform me that in consequence of these representations, some parts of which he said I had myself confirmed in two conversations in January, he had framed and transmitted to Mr. Erskine, two sets of instructions, dated the 23d of that month, but not forwarded till some time afterwards, the first of

which related to the business of the Chesapeake, and the second to the orders in council, and the proposed commercial arrangements. These instructions, together with the passages in Mr. Erskine's letter, written I believe in December last, which contained the above-mentioned representations and some other details which I ought not to repeat, Mr. Canning read to me.

Although Mr. Canning made me acquainted with Mr. Erskine's instructions, he did not in any degree apprize me of the explanations, transmitted by that minister, of the grounds and motives of his proceedings ; and I could not be sure, from any thing which Mr. Canning had stated to me, that I had been made to understand the exact nature and character of the transaction. I believed, therefore, that it behoved me to be particularly careful how I received what Mr. Canning thought fit to disclose to me. In looking back upon the past I discovered no inducements to a less cautious course. I remembered that Mr. Canning had not told me in our conversations in January (one of which occurred the day before the date of his letter to Mr. Erskine) that he intended to confide to him such powers as he must then have been in the act of preparing, or indeed any powers at all. That in our conferences in April, after the arrival of the Pacific, the same reserve was practised. That in the last of those conferences Mr. Canning admitted only (and that too upon being pressed by me) that *in the business of the Chesapeake*, he "had written to Mr. Erskine, in compliance with what he understood to be my wish, that the set-

tlement of that affair should be transferred to Washington," that even then the time when he had done so was not mentioned; and that as to the orders in council, I was suffered to suppose that negotiation in America had not been authorised. It occurred to me, moreover, that, as it had already been decided that Mr. Erskine was to be disavowed, and as that decision had been made public through the board of trade, I could not hope to prevent that disavowal, and that with my imperfect knowledge of facts, it might be worse than useless by labored discussion to attempt it.

With these impressions I could do little more than manifest my concern that conciliatory arrangements between the American secretary of state and his majesty's accredited minister at Washington, acting in consequence and professing to act in pursuance of orders from his court, were not likely to have that effect which was naturally to be expected from them.

I undertook, however, to declare with confidence that the American government had met Mr. Erskine's proposals in a just and friendly spirit, and with a sincere desire that, while its own honor and essential interests, were fairly consulted and maintained, a liberal respect should be shewn for those of Great Britain.

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EXTRACT OF A LETTER FROM MR.
PINKNEY TO THE SECRETARY
OF STATE, DATED

London, June 6, 1809.

Mr. Canning tells me that the

conversations detailed in Mr. Erskine's letters did not, as I had supposed, suggest that the government of the United States would allow it to be understood that British cruizers might stop American vessels attempting to violate the embargo and non-intercourse, continuing as to France, &c. after they should be withdrawn as to Great Britain. They suggested that the United States would *side with* the powers revoking its edicts against the power persevering. This Mr. Canning says he considered (although he did not so insist upon it in the recapitulation contained in his instructions to Mr. Erskine) as comprehending what I thought he had represented the actual suggestion to be, and what he supposed I had said to him in an informal conversation, at his house in Briton street, on the 22d of January, in an answer to one of his inquiries.

It will, I am sure, occur to you, as the fact is, that the little which I may have thrown out upon that occasion did not look to the admission of Mr. Canning's object into any stipulation between the two countries, and that I viewed it only as a consequence that might, and would, if France persisted in her unjust decrees, grow out of arrangements similar to those offered by us in August last.

Having no longer any authority (as Mr. Canning knew) to speak officially upon that or any other point connected with the orders in council, and being desirous that this government should propose negotiation at Washington, as well concerning the orders as the affair of the Chesapeake, I avoided as much as possible ex-

planations upon details which would be best managed at home by the department of state, and endeavoured to speak upon what Mr. Canning proposed to me, in such a manner as that without justifying unsuitable expectations on his part, or forgetting what was due to the honor of my own government, I might contribute to produce an effort here towards friendly adjustment.

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EXTRACT OF A LETTER FROM MR.
PINKNEY TO MR. SMITH, DATED

London, June 9, 1809.

Mr. Erskine's instructions concerning the orders in council having been laid before the House of Commons, are now printed.— You will find them in the newspaper enclosed.

It is not improbable that when Mr. Canning read these instructions to me, I inferred from the manner in which the *three* points stated in the 5th, 6th, and 7th paragraphs, are introduced and connected, that they were *all* considered as suggested by Mr. Erskine's "report of his conversations with Mr. Madison, Mr. Gallatin and Mr. Smith;" whether I was led by any other cause into the mistake of supposing that the *third* (as well as the first and second) was so suggested, I am not sure; and it is not very material.

Mr. Canning's misconception of some informal observations from me in January last, has been in part mentioned in my letter of the 6th instant. But the published instructions shew, what I had not collected from hearing them read, that he understood me to

have stated "that the American government was itself aware that without an enforcement, by the naval power of Great Britain, of the regulations of America with respect to France, those regulations must be altogether nugatory." It cannot be necessary to inform you that in this, as in the other particulars alluded to in my last letter, I have been misapprehended.

I ought to mention that the strong and direct charge against the American government, of "manifest partiality" to France, introduced, without any qualification or management of expression, into a paper which Mr. Erskine was authorised to communicate *in extenso* to you, did not strike me when that paper was read to me by Mr. Canning.

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EXTRACT OF A LETTER FROM MR.
PINKNEY TO THE SECRETARY
OF STATE, DATED

London, June 23, 1809.

I had an interview yesterday with Mr. Canning.

In conversing upon the first of the conditions, upon the obtaining of which Mr. Erskine was to promise the repeal of the British orders in council, and a special mission, I collected from what was said by Mr. Canning, that the exemption of Holland from the effect of our embargo and non-intercourse would not have been much objected to by the British government, if the government of the United States had been willing to concede the first condition, subject to that exemption. Mr. Canning observed that the expe-

dient of an actual blockade of Holland had occurred to them as being capable of meeting that exemption; but that Mr. Erskine had obtained no pledge, express or implied, or in any form, that we would enforce our non-intercourse system against France and her dependencies; that our actual system would, if not re-enacted or continued as to France, terminate with the present session of Congress; that for aught that appeared to the contrary in your correspondence with Mr. Erskine, or in the President's proclamation, the embargo and non-intercourse laws might be suffered without any breach of faith to expire, or might even be repealed immediately, notwithstanding the perseverance of France in her Berlin and other edicts; and that Mr. Erskine had in truth secured nothing more, as the consideration of the recall of the orders in council, than the renewal of American intercourse with Great Britain.

Upon the second of the conditions mentioned in Mr. Erskine's instructions, I made several remarks. I stated that it had no necessary connection with the principal subject; that it had lost its importance to Great Britain by the reduction of almost all the colonies of her enemies; that Batavia was understood not to be affected by it; that it could not apply to Guadaloupe (the only other unconquered colony) since it was admitted that we were not excluded from a trade with Guadaloupe in peace; that I did not know what the government of the United States would upon sufficient inducements, consent to do upon this point; but that it could scarcely be expected to give the

implied sanction, which this condition called upon it to give, to the rule of the war of 1756, without any equivalent or reciprocal stipulation whatsoever. Mr. Canning admitted that the second condition had no necessary connection with the orders in council, and he intimated that they would have been content to leave the subject of it to future discussion and arrangement. He added that this condition was inserted in Mr. Erskine's instructions, because it had appeared from his own report of conversations with official persons at Washington that there would be no difficulty in agreeing to it.

Upon the third condition I said a very few words. I re-stated what I had thrown out upon the matter of it in an informal conversation in January, and expressed my regret that it should have been misapprehended. Mr. Canning immediately said that he was himself of opinion that the idea upon which that condition turns could not well find its way into a stipulation; that he had nevertheless, believed it proper to propose the condition to the United States; that he should have been satisfied with the rejection of it; and that the consequence would have been that they should have intercepted the commerce to which it referred, if any such commerce should be attempted.

MESSAGE FROM THE PRESIDENT
OF THE UNITED STATES TRANSMITTING A COPY OF THE CORRESPONDENCE WITH THE GOVERNOR OF PENNSYLVANIA, IN THE CASE OF GIDEON OLMSTEAD.

To the Senate of the United States,

Agreeably to the request in the resolution of the 15th instant, I transmit a copy of the correspondence with the governor of Pennsylvania, in the case of Gideon Olmstead.

JAMES MADISON.

December 16, 1809.

—

Lancaster, April 6th, 1809.

*To his Excellency the President
of the United States,*

SIR,

In discharge of a legislative injunction, I transmit you the proceedings of the general assembly, on the long litigated cause of Gideon Olmstead and others, versus Elizabeth Sergeant and Esther Waters, executrixes of David Rittenhouse, deceased, late treasurer of Pennsylvania. Believing it will tend to a more perfect understanding of the subject, I take the liberty to add a copy of an act of the General Assembly relative thereto, passed the 4th instant; and also beg leave to refer you to two other acts, the one passed February 1st, 1801, and the other April 2d, 1803.

While I deeply deplore the circumstance which has led to this correspondence, I am consoled with the pleasing idea, that the chief magistracy of the union is confided to a man who merits, and who possesses so great a portion of the esteem and the confidence of a vast majority of the citizens of the United States; who is so intimately acquainted with the principles of the federal

constitution, and who is no less disposed to protect the sovereignty and independence of the several states, as guaranteed to them, than to defend the rights and legitimate powers of the general government; who will justly discriminate between opposition to the constitution and laws of the United States, and that of resisting the decree of a judge, founded, as it is conceived, in a usurpation of power and jurisdiction, not delegated to him by either; and who is equally solicitous with myself to preserve the union of the states, and to adjust the present unhappy collision of the two governments in such a manner as will be equally honorable to them both.

Permit me to add, in addition to the act I have done as the chief magistrate of the state of Pennsylvania, to assure you, sir, as an individual, of my full confidence in the wisdom, justice and integrity of the present administration of the general government, and my fixed determination, in my public as well as my private capacity, to support it in all constitutional measures it may adopt.

With the highest consideration,

I am, Sir,

Your obedient servant,

(Signed) SIMON SNYDER.

[Here follows the act passed by the legislature of Pennsylvania.]

—

Washington, April 13, 1809.

SIR,

I have received your letter of the 6th instant, accompanied by certain acts of the legislature of Pennsylvania, which will be laid

before Congress according to the desire expressed.

Considering our respective relations to the subject of these communications, it would be unnecessary, if not improper, to enter into any examination of some of the questions connected with it. It is sufficient, in the actual posture, of the case, to remark, that the executive of the United States is not only unauthorised to prevent the execution of a decree, sanctioned by the supreme court of the United States, but is expressly enjoined by statute to carry into effect any such decree, where opposition may be made to it.

It is a propitious circumstance therefore, that whilst no legal discretion lies with the executive of the United States to decline steps which might lead to a very painful issue, a provision has been made by the legislative act transmitted by you, adequate to a removal of the existing difficulty; and I feel great pleasure in assuring myself that the authority which it gives will be exercised in a spirit corresponding with the patriotic character of the state over which you preside.

Be pleased, sir, to accept assurances of my respectful consideration.

(Signed)

JAMES MADISON.

His excellency Governor
Snyder.

MESSAGE OF THE PRESIDENT OF
THE UNITED STATES.

To the Senate and House of Re-

*presentatives of the United
States.*

The act authorising a detachment of one hundred thousand men from the militia will expire on the 30th of March next. Its early revival is recommended, in order that timely steps may be taken for arrangements, such as the act contemplated.

Without interfering with the modifications rendered necessary by the defects, or the inefficacy of the laws restrictive of commerce and navigation, or with the policy of disallowing to foreign armed vessels, the use of our waters; it falls within my duty to recommend also, that in addition to the precautionary measure authorised by that act, and to the regular troops, for completing the legal establishment of which enlistments are renewed, every necessary provision may be made, for a volunteer force of twenty thousand men, to be enlisted for a short period, and held in a state of organization and readiness for actual service, at the shortest warning.

I submit to the consideration of Congress, moreover, the expediency of such a classification and organization of the militia, as will best ensure prompt and successive aids, from that source, adequate to emergencies, which may call for them.

It will rest with them also, to determine how far further provision may be expedient, for putting into actual service, if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers towards the United States, which impose on them the necessity of

precautionary measures involving expense, it is a happy consideration that such is the solid state of the public credit, that reliance can be justly placed, on any legal provision that may be made for resorting to it, in a convenient form, and to an adequate amount.

JAMES MADISON.

January 2, 1810.

—
TREASURY DEPARTMENT.

December 7th; 1809.

SIR,

I have the honor to enclose a Report prepared in obedience to the act entitled, "An act to establish the Treasury Department."

I have the honor to be,

Very respectfully,

Sir, your obedient servant,

ALBERT GALLATIN.

The honorable the president
of the Senate.

—
REPORT.

In obedience to the directions of the act supplementary to an act entitled "An act to establish the Treasury Department" the Secretary of the Treasury respectfully submits the following report and estimates:

The duties on merchandise and tonnage which accrued during the year 1807, amounted after deducting the expenses of collection to 26,126,648
From which deducting for debentures issued

on account of re-exportations,	10,067,191
Left for the nett revenue accrued during that year,	16,059,457
The same duties during the year 1808 amounted after deducting the expenses of collection, to	10,581,559
From which deducting for debentures issued, and which on account of the embargo did not exceed	249,396
Leaves for the nett revenue <i>accrued</i> during that year, as will appear by the statement (A.)	10,332,163

The statement (B) exhibits in detail the several species of merchandise and other sources from which that revenue was collected during the year 1808: and the statement (A) gives a comparative view of the importations and re-exportation of the several species of merchandise for the years 1807 and 1808, shewing thereby distinctly the effect of foreign aggressions and commercial restrictions on the importations of foreign articles.

From the returns already received for the three first quarters of the present year and from the general knowledge of the importations made during the two last months, it is believed that the gross amount of duties on merchandise imported during the whole year, will, after deducting the expenses of collection, amount to about ten millions of dollars.

But as the debentures issued on account of re-exportations, (principally of colonial produce,)

will amount to about 3,500,000 dollars, the nett revenue accrued during the year 1809 cannot be estimated at more than six millions and an half.

It appears by the statement (C) that the sales of public lands, have during the year ending on the 30th of September, 1809, amounted to 143,000 acres; and the payments by purchasers to near 500,000 dollars. The proceeds of sales in the Mississippi Territory, being, after deducting the surveying and other incidental expenses, appropriated in the first place to the payment of a sum of 1,250,000 dollars to the state of Georgia, are distinctly stated.

It appears by the statement (D) that the payments on account of the principal of the public debt, have during the same period, amounted to near 6,720,000 dollars, the reimbursement of the eight per cent stock having taken place on the first of January last. But the aggregate of payments on account of principal and interest will not for the two years 1808 and 1809 exceed the sum of sixteen millions of dollars appropriated by law.

The same statement shews that about 34,796,000 dollars of the principal of debt have been reimbursed during the eight years and a half commencing on the 1st of April, 1801, and ending on the 30th September, 1809; exclusively of more than six millions of dollars paid in conformity with the provisions of the convention with Great Britain and of the Louisiana Convention.

The actual receipts into the treasury during the year ending on the

30th of September, 1809, have amounted to, 9,315,753 16

Making, together with the balance in the treasury on the 1st of October, 1808, and amounting to 13,846,717 52

An aggregate of 23,162,470 68

The disbursements during the same year have consisted of the following items, viz.

Civil Department, including miscellaneous expenses, and those incident to the intercourse with foreign nations, 1,439,633 23

Military and naval establishments including the Indian department viz.

Military, including arms and fortifications, 3,366,403 12

Navy, 2,379,267 80

Indian department, 292,303 84

----- 6,037,974 76

Interest on the public debt, 3,126,149 15

----- 10,603,757 14

Reimbursement of principal of the public debt, 6,729,777 53

----- Amounting together, as will appear more in detail by the statement (E) to 17,333,534 67

And leaving in the treasury on the 30th of September, 1809, a balance of 5,828,936 01

----- 23,162,470 68

Whence it appears that the expenses of government, exclusively of the payments on account of the principal of the debt, have exceeded the actual receipts in-

to the treasury by a sum of near thirteen hundred thousand dollars; and that the deficiency, as well as the reimbursement of the principal of the debt, have been paid out of the sums previously in the treasury, or in other words out of the surplus of the revenue of the preceding years.

The outstanding revenue bonds may, after deducting the expenses of collection, and allowing for bad debts, be estimated to have amounted on the 30th of September, 1809, to

7,500,000

The duties on the importations during the last quarter will not probably, after making a similar deduction, fall short of

2,800,000

All those will fall due prior to the 1st day of January, 1811, and make, together with the balance in the treasury on the 30th September, 1809, and amounting as above stated, to

5,800,000

An aggregate of

16,100,000

The expenses of the present quarter, though not yet precisely ascertained, will not probably, including the payments on account of the public debt, exceed

3,600,000

Leaving on the first day of January, 1810, a sum of

12,500,000

About twelve and a half millions of dollars in cash or bonds payable during the year 1810 and applicable to the expenses of that year. This estimate, however, is founded on the supposition that the amount of debentures payable in that year will not exceed two millions of dollars, and that the

receipts during the year arising from importation subsequent to the first of January next, and from the sales of land, will be sufficient to pay those debentures and to leave at all times in the treasury at least one million of dollars.

Estimating the expenses of a civil nature, both domestic and foreign, for the year 1810, at the same amount actually expended for those objects during the preceding year, or at about

1,500,000

And adding thereto the annual appropriation of

8,000,000

For the public debt, (of which sum about three millions seven hundred and fifty thousand dollars will be applied to the final re-imbursement of the exchanged six per cent stock;)

It follows that unless the aggregate of the expenses for the military and naval establishments should be reduced to about

3,000,000

12,500,000

three millions of dollars, a loan will be necessary to make up the deficiency. That state of the treasury had been anticipated; and for that reason an increase of duties had been respectfully submitted in the last annual report. But should that measure be now adopted, it would not, on account of the terms of credit allowed for the payment of duties, supersede the necessity of a loan for the service of the year 1810, commensurate with the extent of those establishments and with the appropriations which may be made for their support by Congress. No precise sum is suggested, since this must vary according to the

plans which may be adopted in relation to foreign nations, and will particularly depend on the decision of Congress on the question of war or peace. It is sufficient to state that if the actual expenditure of the year 1810 for all military and naval purposes should be estimated at the same sum which was disbursed by the treasury for those objects during the year ending on the 30th September, 1809, and exceeding as above stated six millions of dollars: the deficiency according to the preceding estimates would amount to three millions: on which supposition, it would seem prudent, in order to provide against any deficiency in the receipts beyond what has been estimated, to authorise a loan of four millions of dollars.

In the event of war the necessity of rendering it efficient and of calling for that purpose into action all the resources of the country, is too obvious to require any comment. On that subject nothing will at this time be added by this department to the suggestions respectfully submitted in the two preceding annual reports. Loans reimbursable by instalments, and at fixed periods after the return of peace, must constitute the principal resource for defraying the extraordinary expenses of the war. For the support of public credit, the basis on which rests the practicability of obtaining loans on reasonable terms, it appears necessary that the revenue should in the mean while, be equal to the interest on the public debt including that on the new loans, and to all the current expenses of government calculated on a peace establishment, or, for the present, to about eight

millions of dollars. An immediate and considerable encrease of the existing duties will, it is believed, be requisite for that purpose in order to cover the defalcation which a maritime war must necessarily produce in a revenue almost exclusively depending on commerce. That encrease appears preferable in the present situation of the United States to any other source of taxation, and is not, in time of war, liable to the objection of its encouraging smuggling. It is only in the event of that revenue being still more affected by a war than is apprehended, that a resort to internal taxes either direct or indirect may become necessary.

If war should not be resorted to, it does not appear requisite, unless Congress should resolve on a permanent encrease of the military and naval establishments in time of peace, to lay at present any additional duties, beyond a mere continuance of the two and a half per cent. known under the name of "Mediterranean fund." It has already been stated that an encrease of the impost would not supply the deficiency which may take place in the year 1810, and exclusively of the reimbursement of the loan which may be wanted for the service of that year, all the national expenses calculated on a peace establishment and on the average of the actual expenditures of the six years 1802—1807, will not exceed ten millions of dollars for the year 1811, and eight millions after that year.

For the only portion of the existing debt which according to law it will be practicable after the year 1810 to reimburse, will, exclusively of the annual reimbursement of the six per cent. and de-

ferred stocks, consist only of the converted six per cent stock, which amounts to less than two millions of dollars. The payments, on account of the annual appropriation of eight millions of dollars, for the debt cannot for that reason (except for the purpose of reimbursing the loan which may be wanted for the service of the year 1810) much exceed six millions of dollars in the year 1811, and four millions of dollars annually after that year.—The expenses for the year 1811 and the ensuing years may, therefore, if calculated on a peace establishment, be estimated as followeth, viz.

Civil expenses, domestic and foreign,	1,500,000
Military and naval establishments (including the Indian department) calculated on the average of the actual expenditure for those objects during the six years 1802—1807, as will appear by statement (F) about	2,500,000
Interest on the public debt, including the annual reimbursement on the six per cent and deferred stocks,	4,100,000
Total of the annual expenses after the year 1811,	8,100,000
Reimbursement of the converted six per cent stock,	1,860,000
Total of expenses, for the year 1811,	9,960,000

Whatever may be the decision of Congress in other respects, there is a subject which seems to require immediate attention. The provisions adopted for the purpose of carrying into effect the non-intercourse with England and France, particularly as modified by the act of last session un-

der an expectation that the orders of council of Great Britain had been revoked, are inefficient and altogether inapplicable to existing circumstances. It will be sufficient to observe that exportation by land is not forbidden, and that no bonds being required from vessels ostensibly employed in the coasting trade, nor any authority vested by law which will justify detention, those vessels daily sail for British ports, without any other remedy but the precarious mode of instituting prosecutions against the apparent owners. It is unnecessary, and it would be painful to dwell on all the effects of those violations of the laws. But without any allusion to the efficiency or political object of any system, and merely with a view to its execution, it is incumbent to state that from the experience of the two last years, a perfect conviction arises that either the system of restriction partially abandoned must be reinstated in all its parts and with all the provisions necessary for its strict and complete execution, or that all the restrictions, so far at least as they affect the commerce and navigation of the citizens of the United States, ought to be removed.

All which is respectfully submitted.

ALBERT GALLATIN.

Secretary of the Treasury.

Navy Department, December 1st, 1809.

SIR,

I have the honor of transmitting to you herewith paper A, in duplicate, which is an exhibit of the vessels of war and gun-boats at this time belonging to the navy

of the United States; distinguishing the number in commission prior to the passage of the act entitled "An act authorising the employment of an additional naval force," passed January 31st, 1809. The number fitted out under that act; the whole number now in commission and prepared for service, and the number in ordinary, and where.

By this paper it will be seen that the act of 31st January, 1809, has been fully executed. The number of vessels of war and gun-boats now in commission, and the actual state of those not in commission will also appear, it is hoped, in a satisfactory form.

Paper, No. 1, in duplicate, which is an exhibit of the warrants drawn upon the appropriations made by the act of Congress of 3d March, 1809, for "repairs of vessels;" for contingent expenses; and for clothing of the marine corps respectively.

Paper, No. 2, in duplicate, which is an exhibit of the warrants drawn upon the sum of \$150,000, transferred by your order, agreeably to the act of Congress, entitled "An act further to amend the several acts for the establishment and regulation of the treasury, war and navy departments," passed March 3d, 1809, from the appropriation made by the appropriation act of 3d March, 1809, for "provisions" to that of "repairs of vessels."

Paper, No. 3, in duplicate, which is an exhibit of the warrants drawn upon the sum of \$25,000, transferred by your order, agreeably to the provisions of the act above recited, from the appropriation made by the appropriation act above recited, for "provisions" to that of "contingent expenses."

Paper, No. 4, in duplicate,

which is an exhibit of the warrants drawn upon the sum of \$2,500 transferred by your order, agreeably to the provisions of the act above recited, from the appropriations made by the act, above recited for "quarter masters' and barrack masters' stores for the corps of marines," to that of clothing for that corps.

The sum transferred in aid of the appropriation for "repairs of vessels," may appear large; but pursuing the spirit of the act of 31st January, 1809, it was determined that the repairs made should be thorough and complete. In doing this the disbursements have certainly been heavy. But the price of naval stores, greatly and suddenly enhanced, has greatly contributed to swell them to their present amount. One very consoling circumstance for these heavy disbursements arises out of the fact, that all the vessels repaired, especially the frigates, have been so much improved in their armament, their other fittings, and their sailing, that the most experienced practical men pronounce them to be, at this time, greatly superior in all respects, to what they were when first fitted out from the stocks.

The contingent expenses have also been unexpectedly great, arising principally from the very heavy disbursements at New Orleans.

The appropriation for marine clothing was found inadequate to the objects for which it was made in consequence of the advanced price of cloths and woollens.

I have the honor to be,

With great respect, Sir,

Your most obedient,

PAUL HAMILTON.

*The President of the
United States.*

Exhibit shewing the state and condition, at this time, of the vessels belonging to the Navy of the United States, and of the Gun Boats.

Whole number, at this time belonging to the Navy of the United States.	Rate, Guns.	In commission prior to the passage of the act of 31st January, 1809.	Fitted out under the act of 31st January, 1809.	Whole number now in commission and ready for service.	In Ordinary.	In Ordinary at	REMARKS.
Frigate Constitution	44	Constitution	President	Constitution	Chesapeake	Boston	These frigates in ordinary, require repairs before they can be sent to sea.
President	44	Chesapeake	United States	President	Congress	Washington	
United States	44	Wasp	Essex	United States	Constellation		
Chesapeake	36	Hornet	John Adams	Essex	New York		
Congress	36	Argus	Siren	John Adams	Adams	Charleston	Three of these gun-boats have been put in commission for the Georgia station.
Constellation	36	Bombs { Etna Vesuvius	Vixen	Wasp	9 gun-boats		
New York	32		Nautilus	Hornet	13 gun-boats		
		22 gun-boats at N. O.					
Essex	32		Enterprise	Siren	4 do.	Wilmington, N. C.	One of these employed occasionally, and fitted as a watering boat.
Adams	32		Revenge	Argus	21 do.	Norfolk	
Ship John Adams	20		Ferret	Vixen	10 do.	Baltimore	All these gun-boats in ordinary, are in a state of preservation.
Wasp	18			Nautilus	20 do.	Philadelphia	
Brig Hornet	18			Enterprise	54 do.	New York	
Siren	16			Revenge	2 do.	Westerly, R. I.	
Argus	16			Ferret	2 do.	Norwich, Con.	
Vixen	14			Bombs { Etna Vesuvius	1 do.	Boston	
Nautilus	14				9 do.	Portland	
				And 22 gun-boats at New Orleans.			
Schooner Enterprise	12				1 do.	Lake Ontario	This is brig Oneida.
Revenge	12				2 do.	Lake Champlain	
Cutter Ferret	10				Bomb, Spitfire	Norfolk	These bombs require repairs.
Brig Oneida, classed with gun-boats	16				Vengeance	New York	
Bombs { Etna Vesuvius Spitfire Vengeance							Of the gun-boats at New Orleans, No. 13 has been condemned, and is now used as a hulk; and captain Porter in a letter dated 25 Aug. 1809, observes, that 5 others, viz. Nos. 14, 16, 17, 20 and 21, will in all probability be condemned as unfit for service in the ensuing summer, having been built of raw materials.
170 Gun-boats, including brig Oneida							



LIEUTENANT GOVERNOR TREADWELL'S SPEECH TO THE LEGISLATURE OF CONNECTICUT OCTOBER, 1809.

Gentlemen of the council, Mr. speaker, and gentlemen of the House of Representatives.

A providential event which we all deplore, has called me to preside, as God shall enable me, at the opening of this honorable assembly. Our late worthy and beloved chief magistrate, governor Trumbull, is departed hence. His lips, which at our last session, addressed us from the chair, and, at parting, bade us an affectionate and as it has proved, a final farewell, are now sealed in perpetual silence, his face we shall see, and his voice we shall hear no more. Beloved as a man, respected as a magistrate, and revered as a Christian, he has finished a course honourable to himself, acceptable to his friends, and useful to his country and the church of God, and has at the call of God, with a cheerful resignation to his will, resigned his life and his honours to Him who gave them; and now sleeps in the dust with his fathers, and has entered we trust, into the joy of his Lord. The circumstances neither of time, place nor occasion, will permit a particular delineation of the character of the late governor Trumbull, suffice it to say, that he long served his country with dignity, prudence, fidelity and firmness, in elevated stations, in the army, in the national council, and for the last twelve years of his life, in his native state, as her chief magistrate. These traits

of character were eminently displayed in some of the last acts of his administration, well known to the public, which elevated his character as a statesman, and contributed essentially to the welfare of the state and nation.—Thus at the point of his departure, Providence gave him an opportunity for an honorable display, of talent and patriotism, as if to make his fellow citizens, who should survive him, the more sensible of their loss, then near at hand, the more to endear his memory, and to transmit his name with more distinguished honour to remote posterity. Such, in general, has been the progress of this luminary across the political hemisphere. It has, in its course, shone with a steady and temperate lustre, brightening as it approached the horizon, and, at the moment of setting, beaming in full splendor.

Having attempted to give vent to our feelings on the present occasion, and to offer the tribute of our condolence to the mourning consort and children of the deceased, for whom we wish the supports and consolations of the gospel, in their deep affliction, it is referred to the legislature to consider in what manner it becomes them to notice the hand of God, in this solemn and affecting event, and in what manner to express their respect for the memory of the deceased, and their sense of the inestimable loss they have sustained in his death.

Permit me now to solicit your attention to such other objects as may merit legislative consideration.

To advance the interests of religion and learning, to provide for the prompt and impartial ad-

ministration of distributive and penal justice, and to arm and train the citizens for defence, against insurrection, or external aggression, are essential to the well being of nations.

The attention this state has ever paid to these great objects, has contributed much to her peace, safety, and stability, and has given her an honorable distinction among her sister states; still, there are, it is believed, considerable defects in the provisions which have been made for the attainment of some of these essential objects.

The public maintenance of religion has ever been deemed by the most enlightened nations as intimately connected with the interests of the civil state. In our ancient institutions, on this momentous subject, there is much to commend; in our present system there are evident defects; these, however, seem to be the result of the state of society, and time and reflection, by harmonizing the public sentiment on the point can alone apply the remedy.

The education of youths to qualify them for that employment, which shall be indicated by their respective circumstances and talents, will always be esteemed by reflecting men, as an object of prime importance.—The funds provided, in this state, for the support of common schools, are ample, it is believed, beyond any former example; but, in their application, it might be useful to make some further provisions by law, to secure the appointment of able and virtuous preceptors, and to require their faithful endeavours, to imbue the tender

minds, of the youths, committed to their care, with the principles of morality and religion, without which, not only the rudiments, but the highest attainments, in learning, would be worse than in vain.

With respect to the prompt and impartial administration of distributive justice, in the higher courts of law, there remains, at present, little further to be desired; time, however, will best discover any defects in the recent organization of those courts.

The execution of penal law, for felonious and other atrocious crimes, is sufficiently energetic. Confinement in Newgate prison is terrible, but not cruel; and it is probably more effectual to prevent such crimes, than capital punishment; there are, however among the prisoners few or no penitents; and few means of making them such. Honorable mention ought here to be made, of the pious efforts of the neighboring clergy, who have lately, in succession, preached at the prison, to an audience in general decently attentive. Could the prisoners be brought to treat religion with respect, it would be an act of benevolence to supply them with bibles and religious tracts, and with preaching on the sabbath, as opportunity should offer. But while this institution, as a place of punishment attains in a good measure, its object, the execution of penal law for the minor offences against religion and morals has, too generally, been intermitted.—The ancient system which was long effectual, has, to a great extent, become obsolete; and no measures have, as yet been devised to restore its tone,

or to provide a substitute. This defect, which is daily increasing, must be an inlet to that licentiousness, which, in its progress, will endanger the subversion of our free government, founded, as it is, on the virtuous habits of the people.

Much has been done in this state to teach the militia the rudiments of tactics, but comparatively little has been done to arm them for actual service. It is admitted, that this falls within the province of the national government, but not exclusively: if they neglect to do it, our honour and safety require that we do it ourselves. Power and influence ever attend a state armed, and at all points prepared, for actual defence; and in the existing state of things in our world hitherto, if a state will be free and independent, it must, sooner or later, assert its freedom and independence, at the point of the sword; nor, can we claim exemption from the common lot of nations.

We have fought for, and by the help of God achieved, our independence; and it must ultimately be maintained, if it is maintained at all, through the means by which it was achieved until the time come when men shall learn war no more. It is hoped, therefore, that the unsuccessful efforts which this honourable assembly have recently made, to provide arms for such as may be called into actual service will not be considered as an abandonment of a measure, which the present state of the world evinces to be expedient, and highly important.

The usual business of the October session will, of course, be attended to, and your wisdom will select such other subjects as

may require legislative interposition.

A resolution of the general court of the commonwealth of Massachusetts, proposing an amendment to the constitution of the United States, now to be communicated, will doubtless be thought to merit particular attention.

The astonishing revolutions which, in rapid succession, have of late years, convulsed Europe, have given another head to the ancient Western Roman empire, which exercises a despotism more relentless and bloody, than either of the former; and while we contemplate, with awful reverence, the hand of God in these events, it becomes us to stand aloof from the nation which is the chief agent in producing them, and whose policy is to allure only to devour. Most of the embarrassments, which our republic has, of late years, experienced, have, it is believed, originated in an undue bias in her favour. May the fate or other nations, which she has seduced, and conquered, prove a warning to us to escape her snares, and to cultivate, by honourable means, the proffered friendship of that power which more than any other, stands between her and universal empire.

What thanks do we owe to Him who is King of kings and Lord of lords, for permitting us notwithstanding our numerous provocations, to assemble, under the forms of our happy constitution, on the ordinary concerns of the state; while, in his anger, he is breaking in pieces like a potter's vessel, the nations which have corrupted his gospel and so far refused his reign.

JOHN TREADWELL.

MESSAGE OF THE GOVERNOR,
TO THE GENERAL ASSEMBLY,
OF THE COMMONWEALTH OF
PENNSYLVANIA.

Fellow Citizens,

It has been usual at the annual meeting of the Representatives of the people for the executive to communicate to them *in person* whatever he thought would have a tendency to promote the happiness and the prosperity of their constituents. I have been induced to depart from this custom from a conviction that communications *by Message*, are more in accordance with republican principles and institutions—simplicity of manners, sound economy, and equally respectful to the members composing the legislature.

You assemble, fellow citizens, under circumstances, deeply interesting to our country, which call for all our energies, and all our patriotism, and imperiously demand from the people and the constituted authorities a union of action in support of our common rights. The hostile nations of Europe with unabated fury carry on the contest against each other and against the rights of neutral nations. The communications laid before Congress exhibit a gloomy prospect of our foreign relations. They manifest that frank and honorable negotiation, and a prompt and perfect compliance with our engagements, have not been met with corresponding dispositions, and reciprocal good faith. The conduct of the government of Great Britain, in refusing to carry into effect a compact predicated upon propositions made by her own minister plenipotentiary, is one of those

unequivocal evidences of a contemptuous disregard for solemnly and publicly plighted national honor, which could not fail to arouse the resentment of the people of the United States, whose indignation has been greatly and justly heightened by the haughty and indecorous deportment of the present British minister.

It is much to be regretted that all the measures which the wisdom and anxious patriotism of Congress have devised—all the manifestations which the most prompt and earnest desire to obtain honorable friendship with the belligerents, have not effected the objects contemplated:—But it is gratifying to feel assured that the conduct of our government cannot have failed to impress the nations of Europe with high respect for our national character, nor has it failed to excite in every American bosom a fixed and determined resolution to support the general government in its patriotic efforts to maintain the honor, independence and just rights of our country.

This determination is the more to be relied on because it is not only the dictate of correct feeling and the offspring of just pride, but it is also founded on the general conviction that, in all its negotiations and relations with foreign powers, the late and present administration of the general government have been animated by the purest motives, governed by the soundest principles and with a single eye to American rights and interests—This spirit, fellow citizens, ought to be generously fostered for it is above all price—United at home, we have nothing to fear from abroad.

From the perfidy and injustice

of foreign nations, we turn with proud satisfaction to contemplate the internal resources, the invincible spirit and increasing prosperity of our own state. Without any direct tax, our treasury presents abundant means to promote the present and permanent welfare of the Commonwealth. In the enjoyment of the rich blessings of independence, freedom and peace, our population is rapidly multiplying. Houses and barns every where erecting; well planted orchards, highly cultivated fields, and newly cleared lands are every where presenting incontestible evidence of our increase of wealth, strength, and domestic comfort. Bridges are building and turnpike roads are making to facilitate the intercourse between the various and distant parts of our state. It is also cause of much satisfaction to observe that in proportion to the difficulty of access to, and commerce with, foreign nations, is the zeal and exertion to supply our wants by home manufactures. Our mills and furnaces are greatly multiplied; new beds of ore have been discovered, and the industry and enterprise of our citizens are turning them to the most useful purposes. Many new and highly valuable manufactories have been established, and we now make in Pennsylvania, various articles of domestic use, for which, two years since, we were wholly dependent upon foreign nations. We have lately had established in Philadelphia, large Shot manufactories—Floor Cloth manufactories—and a Queen's ware Pottery upon an extensive scale. These are all in successful operation, independently of immense quantities of Cotton,

Wool, Hemp, Flax, Leather, and Iron, which are manufactured in our state, and which save to our country the annual export of millions of dollars. These, fellow citizens, are pleasing subjects on which to dwell, and it is respectfully and very earnestly recommended to the legislature to devise means to increase domestic manufactures, not only because they eminently contribute to national independence and add to our national resources and individual wealth, but also because they are admirably calculated to preserve and perpetuate our republican institutions, by inducing industry and economy; the pillars of a virtuous and peaceable commonwealth. With these considerations, which demand our gratitude to the Supreme Being, it becomes our duty to recollect the general prevalence of health, not only through the country but in those towns most exposed to malignant diseases.

Proceedings under a law and resolutions of the last general assembly, make it the duty of the executive to report the final issue of the case of Gideon Olmstead and others, against the state of Pennsylvania.—This case, which enjoyed so large a portion of the anxious attention of the legislature last session and upon which their opinion co-incided with that which uniformly has been expressed by all the constituted authorities, for thirty years, under all the modifications of our government and in all the vicissitudes of party: They have all, as often as the question has recurred, solemnly protested against the right of a Congressional court of appeal to render null and void the verdict of a jury fairly empannelled and

conscientiously acting, under a law of the state. The history of this case, involving the rights and property of the state, is fully and faithfully recorded on the journals of the general assembly, it is therefore not thought necessary, in the present communication, to lay before the representatives of the people, more than that portion of information which completes the history to its final issue.

On the 27th February last, the executive communicated to the legislature that in consequence of proceedings had in the supreme court of the United States, an attachment would be issued against the executrices of the late Mr. Rittenhouse, formerly treasurer of the state, to compel them to pay to Gideon Olmstead and others, the money which they had paid into the state treasury, in obedience to an act passed the 2d April 1803, which act in the name of the commonwealth guarantees an indemnification from any process issued out of any federal court, in consequence of their obedience to the provisions of that act. In the message, the executive informed the legislature that he was making arrangements to call out a portion of the militia that being the only means in his power to carry into effect, the act of the 2d of April 1803. Orders were accordingly transmitted to the adjutant-general, enclosing the appointment of general Bright and his orders, which were laid before the legislature March 2d, 1809. On the 24th of March 1809, the general stationed a guard at the houses of the executrices. In the same month the marshal of the district was resisted by the militia and

prevented from entering the houses of the executrices. That officer afterwards issued notices calling out a *posse comitatus* to assist him in executing the attachment. Previously to the day, on which the posse was ordered out, to wit, on the 15th day of April, the marshal eluded the vigilance of the guards and arrested one of the executrices. A *habeas corpus*, before the chief justice was taken out in her name by the attorney-general. The chief-justice refusing to liberate the body of the said executrix and ordering her to remain in custody of the marshal, the executive directed the guard to be withdrawn and the money to be paid. General Bright and eight of his men, acting under his orders, were arrested by the marshal, tried before the circuit court of the United States, and after a deeply interesting trial, the jury were at length induced to bring in a special verdict, which the court considering equivalent to a verdict of guilty, the general and men were sentenced to fine and imprisonment. They were committed to jail and confined a few days, when the president of the United States liberated them and remitted their fine.

The orders issued, and all the documents connected with the case, which are thought necessary to its more perfect elucidation will form the subject of a future communication.

I cannot close this subject without endeavouring to impress your minds deeply and seriously with its importance and the dreadful consequences which may flow from the judges of the United States Courts, exercising powers

which set at nought, the acts of our legislature, the decisions of our state judges and the solemn verdicts of our juries. If an amendment, providing effectually against this evil, be not made to the constitution of the United States, it is greatly to be feared that the collision of jurisdiction will be productive of the most alarming consequences :—Already has it been the cause of much oppression to our citizens in the western parts of the state of Pennsylvania and very much impeded the settlement and improvement of that country.

The militia of our state presents a noble phalanx of 100,000 freemen : animated by the love of country, they would, in the hour of trial, prove themselves to be inspired by the heroic spirit of their fathers. Every motive which can nerve the arm of virtue combines to make them invincible. The sovereigns and proprietors of a fertile and widely extended country, in the enjoyment of political, civil, and religious freedom—the sons of virtuous old age—and the fathers of hopeful offspring—all that can interest or invigorate the human heart, unite to make our militia the pride and bulwark of their country. We owe it to ourselves, to our children, and to humanity, not to neglect any means to enable our militia to defend and to preserve those sublime deposits which are committed to their care.—To them we must look, to them the enlightened world must look, as the guardians of all those improvements in political science which the new world has put in operation and which she values as the most precious gifts to posterity and to mankind.

But their courage and patriotism will be inefficient without the aid of arms and discipline. To the legislature it is submitted to devise means, to furnish arms and to improve the discipline of our militia. The latter, cannot be done without good officers.—To encourage our fellow citizens to accept of commissions, to equip themselves in a soldierly manner, and to act with soldierly pride, it is respectfully suggested whether it would not be sound policy to declare by law, after the example of some of our sister states, that he who shall faithfully serve the state for a certain number of years as a commissioned militia officer, shall in future be exempted from all militia duty, except in case of actual service. Should this suggestion be adopted by the legislature, it will naturally occur how far it would be proper, under certain modifications, to extend it to the members of uniformed volunteer companies, artillery, cavalry and infantry. In conjunction with a provision of this kind, it is believed that the interests of the militia would be much promoted by prohibiting resignations, except in cases of disability, or other sufficient cause, to be determined by an appointed tribunal. The frequency of resignations, under the present law, tend equally to increase expense and prevent discipline.

The incomplete state of the last return of the arms, public and private, belonging to the militia, has induced an attempt, during the recess of the legislature to ascertain, more accurately, their number, kind and condition. It is hoped that a prompt attention, on the part of the brigade

inspectors to the orders of the adjutant-general, will enable the executive shortly to communicate information on this subject, so necessary and desirable. The establishment of convenient places of deposit for the arms, which are the property of the commonwealth, the appointment of regimental armorsers, with an adequate salary, in whose care the arms ought to be, and who should give security for their being kept in complete repair and good order, and delivery when occasion might require. And the organization of a general department, and some provision to meet expenses to which the funds of some regiments are not adequate, would probably be found beneficial and economical.

In conformity with the direction of a former legislature the judges of the supreme court reported to the last legislature a list of the statute laws of England, that are in force in Pennsylvania; they have also stated their opinion as to what part of those statutes ought to be incorporated into our laws.—May I not suggest to you the propriety of directing that those statutes be printed, so that having them before you, such selections and alterations might be made, and enacted into laws, as may be deemed salutary and congenial with the habits and manners of the people, and our republican institutions. This would be (as it would seem) a completion of the object originally intended to be obtained by the legislature.

The code of our laws has now become voluminous, the numerous alterations in many of our laws and supplements to others, have rendered it a matter of ex-

treme labor and difficulty to ascertain precisely what the law is, on any particular subject, even to professional men, much more so to the mass of the people, who are affected by them.—In a government of laws, like ours, it is highly desirable that every man should understand the laws by which he is to be governed; might it not, therefore be worthy the attention of the legislature, to remedy the evil and accomplish an object so desirable, by a revision of all our statute laws, and by collecting and bringing into view in one act, all laws on the same subject.

It is, perhaps, not within the compass of the human mind so to make statute laws, as to supply a remedy to every invasion of right, that must arise from the complicated transactions of an active and enterprising people, yet every effort ought to be made to leave as little as possible to the arbitrary will of any one; might it not therefore be expedient, from time to time, to reduce to statute so much, and such parts, of the common law as experience may have shown to be salutary and congenial with our republican government. In one of our sister states, I am informed, a person is appointed to take down, and report to the legislature cases tried and adjudged in the supreme court; thus, from time to time, materials are furnished which enable the legislature to reduce to statute form, such parts of the common law as is thought salutary, and to reject what is inapplicable to our state of society and the genius of our laws.—Uniformity of decision is also desirable in jurisprudence. Our statute laws, either from ambigui-

ty, or from other causes have been differently construed by different judges; hence what is considered the law, in one circuit, is not so considered in another; this evil might be remedied, by either amending the law, where it is of doubtful construction, or by sanctioning that construction which appears to be the most just and equitable.

It is matter for mutual congratulation that in the judiciary department of the government there is less complaint than there has been for many previous years. The system of arbitration appears to meet the approbation of a large majority of the people. Its magnitude and novelty put it, in a peculiar manner, under the care of the legislature. The law of the last session establishing compulsory arbitration has been extensively acted upon, and has proved as extensively salutary. (Permit me in proof of this position to state, that out of 130 reports made under that law, and delivered into the office of the prothonotary of Lancaster county, there have not been more than 10 appeals.) The legislature bringing with them the experience of every part of the commonwealth, and public opinion, must be aware of the defects in the law, and will cheerfully and speedily apply the remedies. There is one suggestion applicable to all our laws on arbitration which deserves consideration, as it is by many thought necessary to perpetuate the system and establish justice, by enacting, that the award of arbitrators, shall, on appeal, be equal to effect, and as much a lien upon the real estate of the party against whom it shall be given as the

verdict of a jury in similar circumstances.

The criminal code of Pennsylvania, justly celebrated for its mildness and efficiency, yet authorises the punishment of death. The happy effects which are acknowledged to have resulted from the abolition of public and shameful punishments, would warrant an experiment to ascertain, how far the abolition of the punishment of death would be attended with like beneficial consequences to society. The habits, manners, and religious opinions of a very respectable number of our citizens, make them recoil from being in any way instrumental in bringing to the bar of justice—testifying against—or convicting—a fellow being, when they know that the consequence of that conviction is to be, the death of the offender. These considerations multiply very much the chances of escaping after the perpetration of the most cold-blooded, malicious, and unprovoked murder, and act therefore, rather as incentives to provoke, than as curbs to restrain the most ferocious passions of the human heart. Whether the substitution of imprisonment during life, or any other punishment, would be productive of less evil to society than the punishment of death, is a question meriting the attention of humane and enlightened legislators.—Though on the one hand both opinion and feeling prompt a hope for an amelioration of our penal code, so far as respects the punishment of death, (for of all duties which it becomes the executive to perform, I can, from experience, say that of announcing to a fellow being, the day—the

hour—on which he shall cease to exist, is the most painful and distressing,) yet, on the other hand, I conceive it my duty to suggest the necessity of revising the laws for the suppression of vice and immorality, and strengthening the arm of the magistracy. The seat of the government has, of late years, repeatedly exhibited, at public races, scenes of dissipation, idleness, disorder, and almost every species of vice; highly dishonorable and radically destructive to the morals of the citizens. Your wisdom will provide an appropriate remedy.

Moral virtue consists in a knowledge of duty and a conformity of will and action to that knowledge. Political virtue, in a republic, founded on moral rectitude, consists in a love of the republic and esteem for its institutions—hence the immense importance of a system of education. Can a man be morally or politically virtuous, who is ignorant of the value of the first, and understands not the principles of, nor knows the duties which the latter enjoins? To establish therefore a system of education, calculated to diffuse general instruction, is at once of primary importance in both a moral and political point of view, affording the strongest bulwarks against the subversion of good morals and sound political principles. The importance of education is still more enhanced by the consideration, that in a republican or representative government, every citizen may be called upon to assist in the enactment or execution of the laws of his country, and will hence, necessarily engage your attention.

Such has been the press of bu-

siness in the land-office, during the recess of the legislature, that notwithstanding the most indefatigable attention of the officers, even that portion of the business preparatory to making out the patents could scarcely be transacted, and not without unavoidable inconvenience to the applicants. Much of the business which was commenced before the first day of September last remains yet in an unfinished state. Many were ignorant of the law and therefore could not comply with its provisions; some who applied were prevented from embracing its advantages for want of vouchers which ought to have been filed in the office of the surveyor general. For these reasons, and because if all had applied whose interest it was to avail themselves of the provisions of the law, experience convinces that two-thirds, perhaps more of them, must have been disappointed. I would submit to the legislature the propriety of a further extension of the time of patenting lands, as well for the advantage which the vigilant derived under that law for the benefit of, as well those who had the disposition to comply with its requisitions, but were prevented by any of the causes aforesaid, as of those who may have the disposition to patent their lands in a reasonable time:—A provision also authorising the receipt, by the state treasurer, of the principal and interest due by mortgagers, at any time, after the execution of the mortgage when a tender may be made, would prove beneficial to the state, and very agreeable to many who were compelled to have recourse to the disagree-

able expedient of mortgaging their lands to the state.

Permit me to bring to your notice one other subject. The charter of the Pennsylvania bank will expire in about three years; as the state has a large interest in that institution, it cannot be deemed premature for the legislature to turn their attention thereto. It is also of importance to the private stockholders to know sometime previously to the expiration of the charter, the intention of the legislature on that subject.

In discharge of duties enjoined on the executive there has been vested under the acts of the 4th of April 1805, and 1st of March, 1806, a sum of \$35000 in stock of the Philadelphia bank, at par; which fills the subscription to which the state was entitled in that institution.—Under the act of the 4th of March 1807, stock of various descriptions was purchased to the amount of \$46,709 11-100, and agreeably to the act entitled, “an act for the improvement of the state,” I have subscribed for 600 shares of the stock of the Centre turnpike company, that being the proportioned sum to the extent of the road finished and licensed.

The department of accounts will exhibit to you detailed statements of our finances, from which you will perceive that they are more than adequate to the expenses of the current year. The act for encouraging the patenting of lands, has brought into the treasury \$264,705 92-100 since the 11th day of May last. A large sum is yet to be derived from that source, but as that must annually diminish, it might be prudent to vest in productive

funds the surplus that remains, after the appropriations to meet the expenses of the current year, and for necessary improvements. By prudence and economy, not inconsistent with a liberal policy, a permanent annual revenue may be raised, adequate to all the ordinary expenses of the government, and every needful internal improvement without imposing any taxes on the people for those purposes.

In the execution of the various and important trusts committed to the legislature, I promise a faithful co-operation in all measures promotive of the public good.

SIMON SNYDER.

Lancaster, 7th December, 1809.

—
THE FOLLOWING EXTRACTS FROM
THE MESSAGE OF GOVERNOR
STONE TO THE LEGISLATURE
OF NORTH-CAROLINA EMBRACE
ITS MOST IMPORTANT CON-
TENTS :—

We have cause of thankfulness that the provisions of our excellent constitution, wisely requiring an annual meeting of representatives, freely chosen by the voice of our fellow citizens, to counsel for the common good, has brought us together on the present occasion, after a season, though not entirely without dispensations from the chastening hand of Providence, yet, upon the whole, a season of plenty and a season of peace. And it would add greatly to the satisfaction with which this address is made, could I inform you that the wisdom, the justice, the impartiality and forbearance of our national government had a prospect of

ensuring respect for our rights from the great contending nations of Europe. But the experience of our own time concurs with the recorded history of all which has preceded it, that the avarice and ambition of nations are not restrained from encroachments upon the rights of others, but by a respect for the firmness and energy with which those rights are supported.

"It becomes us, therefore, as men, properly estimating our situation, to provide, as far as human means can provide, against a continuance or repetition of that injurious treatment so long borne with. While that regard and tenderness for the lives, the fortunes and personal convenience of the citizens of our country continue to have so large a share of influence over the counsels of our national legislature, as has hitherto been evidenced by the sedulous care and solicitude with which war has been avoided and extensive military establishments—much of the force and effect upon foreign nations of the national voice will be derived from the support given thereto by the States.

The principle, the genius, the safety of our institutions, equally point out the danger of large military establishments, detached and feeling a separate interest from the body of the people. And experience has afforded no substitute for these, unless it be practicable to render efficient that grand element of national force, the militia of the nation. Why this shall not be practicable, seems a question not of easy or honorable solution.

The great importance, on all occasions, of a well organised,

armed and expert militia, and the peculiar force, with which the subject is at this time pressed upon us by the belligerent nations of the old world, demand your combined and best efforts to perfect, as far as possible, the militia—the adopted system of national defence—of defence, because our policy is not that of aggression.

Indeed, could the means of procuring arms be sufficiently facilitated, it would scarcely seem too much to withhold the privileges of free citizens from those, who either neglected to devote a seasonable portion of their time to the acquisition of military knowledge, or were able and would not furnish themselves with arms.

Next, and second only, to the support of our independent republican government in purity of principle and undiminished rights, is the importance of such provision for the education of our youth, as will afford, in certain prospect, the grateful anticipation, that the independence gained by the toil, the blood and treasure of our fathers and brothers, confirmed and supported by our own best efforts, will be transmitted to our sons, prepared by their education to manage its concerns with dignity and skill, and, when required by just occasion, to support it with firmness and valor.

The liberality of your predecessors has done much for the cause of letters and science, by the establishment of a seminary for giving instructions in the higher branches thereof, within our own state. But much remains to be done, as well for the perfecting of that seminary, as for the more extensive establish-

ment and distribution of subordinate schools. Nor will it be forgotten in your labors upon this subject, that letters and science, though useful as lights to enable a sound heart to shape a safe and beneficial course through the voyage of life, are mere delusions, when not controled and directed by correct moral principle, chastened and purified by the precepts of our holy religion.

And though the framers of our constitution have deemed so sacredly of the rights of conscience and the eternal concerns of man, that, lest they should be soiled, they have not permitted these subjects to be touched by legislation. Yet the chosen of their country will bear in mind, that a more suitable return cannot be made for the high honor conferred upon them, than by shewing in their lives and conduct the happy influence of having engraven on their hearts the fundamental and cardinal precepts of *humility to God and love to man*, as the surest foundation on which to rest the happiness enjoyed here, and hoped for hereafter.

While it is equally unnecessary and impracticable to enumerate *all* the advantages, which may be confidently hoped from judicious establishments and plans of education among ourselves, it may not be improper to give a transient view of *some*.

They afford to our country a more extensive choice and general command of virtues and talents, for the direction of her affairs, by more extensively unfolding and displaying the germs of excellence in the minds of her youth.

They impress upon the more advanced and elderly the propri-

ety and necessity of exemplary deportment.

Relieve parents from much of the anxiety and uneasiness of distant separation from their children.

Save the expenditure of a considerable amount of our circulating medium among strangers.

Prevent the impression upon the minds of our youth, of unreasonable predilection in favor of alien institutions and manners, as well as of prejudices against those of our own state, and against that condition of society, of which their interest and duty requires them to become members. Enable them to acquire an early and more intimate knowledge of our own municipal institutions, by being situated where those institutions are more frequently the subject of conversation and enquiry. Attach the respect, gratitude and reverence of our youth to persons and places within our own limits, as being their guides to science and virtue, and the scenes of their juvenile exertions and amusements, and give them a more intimate knowledge of the principles and talents of those, with whom they are afterwards to act in scenes of real business.

Our agriculture already supplies us with all the necessities, and many of the comfortable luxuries of life, while daily experience discloses the ability of cultivating to greater advantage, and producing in greater abundance, those articles which have hitherto claimed attention, and introduces the culture of other new and valuable articles. If, therefore, the native ingenuity and enterprise of our citizens can be properly aided, there can exist no doubt

but they will, by the manufacture of our own materials into articles of necessity and convenience, soon render the state completely independent of supplies derived from foreign countries. The advances already made, and hourly making in this respect, afford a consoling presage of relief from the violence and injustice of the enemies of our government. We were content, if permitted to do so, to advance in the business of manufacture by the slow movements indicated and made necessary by the ordinary increase of our numbers, and the protection afforded by the duties necessary for the support of government. But the injustice of the warring nations of the world has driven us from this course, and our people find themselves now compelled to purchase foreign manufactures and to sell our own surplus produce, at prices induced by an unjustly and unreasonably restricted commerce, or to make such of those articles as their occasions require, for themselves. It therefore becomes one mean of national defence, that the legislature of our improving state should foster her infant manufactures.

And to this end nothing can more favorably conduce than to facilitate the transportation of our products by opening and improving our roads, removing obstructions to the navigation of our rivers, cutting canals, &c.

The hope fondly cherished at the close of your last session, that the unfortunate disagreement upon the subject of boundary which has so long been permitted to subsist between this state and her sister state of South Carolina, would in the course of the past summer be finally and amicably

terminated, has not yet been realised. But a dignified perseverance in the liberal policy heretofore pursued by this state must in the end, produce the desirable effect of convincing the legislature of that enlightened state that our object is fair and honorable, and that the terms agreed upon by the commissioners of the two states in July, 1808, and without hesitation ratified by your immediate predecessor, afford satisfactory proof of the generosity with which we are willing to compromise and settle this unfortunate disagreement. And though the state of South Carolina has not yet ratified that agreement, the correspondence with governor Drayton now laid before you, confirms the grounds of our confidence that the non-ratification was a delay of caution, and not an unqualified rejection of the terms of that instrument.

Astronomical observations made during the last summer by Dr. Caldwell, (to whom the state is much indebted for the promptness with which he has rendered his able assistance in this important affair) confirm the results of former observations made by himself and Mr. president Meigs, as a foundation for a settlement of boundary with our sister state of Georgia. We may therefore reasonably hope that the legislature of that state will now justly estimate the equity and liberality of the arrangement formerly made with her commissioners, and that a ratification of the terms thereof will be the effect. We have not however received any communications upon the subject from that quarter, besides the letters of governor Irwin (herewith forwarded) pressing the appointment

of commissioners to act again upon the business. My answer to which, made in conformity with the determination of the legislature, is now laid before you."

—

GOVERNOR IRWIN, OF GEORGIA, ON THE 8TH ULTIMO, OPENED THE LEGISLATURE OF THAT STATE WITH A MESSAGE, OF WHICH THE FOLLOWING EXTRACTS COMPRISE THE REMARKS OF A GENERAL NATURE.

I had flattered myself, from the arrangements which were entered into, in April last, by the general government, and the minister of Great Britain resident in our country, that at the meeting of this legislature, our fellow citizens would have been found in the free and unrestrained exercise and enjoyment of that trade and commerce, the want of which, at this time, so materially affects us both in a national and individual point of view; but a line of conduct on the part of the British ministry, as perfidious as unexampled, has blasted every hope, for the present, of a friendly accommodation of the difference existing between the two governments, and left us, as to our individual transactions, in a situation worse than that which urged the propriety of the law for relief of debtors.

Acquainted, as you are, with the operation of this law in the different sections of the state, you can best determine whether it has been productive of those benefits to our citizens which it was expected would be derived from it, and whether it will be ne-

cessary that it should undergo any alterations and be continued for a longer period, or suffered altogether to expire at the expiration of the time for which it was enacted. This subject ought and will no doubt occupy your early attention. If I am correctly informed the people have not, nor can they get money to discharge their debts; and unless such measures are adopted as will in some degree restore the value of property, and cause it to pass in the payment of debts, the inconveniences and sufferings which our involved citizens have heretofore experienced will be trivial when compared with those which must inevitably ensue.

Among the various objects which require legislative interference, none are of such magnitude and importance as those which have for their end the general welfare. While the nations of Europe are struggling for the balance of power; their subjects driven from their peaceful pursuits to scenes of horror and devastation—while articles of foreign manufacture, in consequence of their commotions, continue to rise in value and demand in proportion to the great scarcity among us of circulating specie—does it not behove us to encourage and cherish every institution for the promotion of agriculture and domestic manufactures. Already a spirit of patriotism and enterprise has manifested itself generally, and our citizens, foreseeing the evils which must result from too great a reliance on articles of foreign manufacture, are shaking off those fashionable fetters which held them in a state of servile dependence upon other nations, and making

every exertion to clothe themselves in fabrics of their own. Will you not second their efforts, and by rendering all the aid in your power, give a spur to their laudable pursuits? By the accomplishment of an object so desirable, the demand for foreign importations of merchandise will be lessened, and the sphere of domestic tranquillity greatly enlarged.

An object of no less importance than that to which I have just called your attention, is the facility of communication between different parts of the state. Our navigable water-courses are much neglected, and the numerous obstructions to water carriage oppose almost insurmountable barriers to a free intercourse; as on the one hand nothing can more strongly cement the jarring interests of a country, with a population thinly dispersed and widely extended, or give more permanency to local institutions, than a well regulated internal police; so, on the other, nothing can tend more to enhance the intrinsic value of landed property than navigable water courses. In these our country abounds in sufficient number to answer all the purposes of trade, were adequate encouragement given for deepening the channels in some and removing in others the impediments to a free and open communication with the sea coast. What further provisions are necessary to be made in this regard, is a subject well worthy your enquiry and deliberation.

Another object to which I would particularly direct your attention, is the establishment of a penitentiary.—A square of sixteen acres of ground in Milledge-

ville, was originally surveyed and set apart for this purpose. As yet, no provision has been made for such establishment, I would therefore recommend it to your serious consideration to devise such measures as you may think best calculated for carrying into effect so laudable a design. In making provision for such an establishment, you will not lose sight of the necessity of a revision of our penal code, so as to adapt it to the genius of our government and the present state of society.

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EXTRACT FROM THE MESSAGE
OF GOVERNOR TYLER, TO THE
LEGISLATURE OF VIRGINIA.

It would have afforded me great consolation, and I am sure no less to the legislature of my country, could it have been in my power, from events more favorable than are now passing, to have announced the prospect of an happy adjustment of the existing differences between the United States and the two great contending powers of Europe. But too many aggravating circumstances have recently occurred (more especially as they relate to Great Britain) to permit a hope, that so happy an issue will take place in a short period. That nation has always been governed by her pride and her prejudices; or why has she seen through so false a medium? Why has she been so long the dupe of her own weakness, and the misrepresentation of her venal agents? The similarity of language between this country and that, and our connections with it by blood, always had more influence on our conduct

than was good for our political safety and happiness. Her commerce flowed uninterruptedly through every channel that watered our land, and returned full freighted with the fruits of her industry and enterprise. That commerce so fascinating in the present state of society, and so inviting to avarice, seized on our affections and bound us in chains indissoluble as adamant. Hence the opposition to those measures which alone would have been efficient, if they had been rigorously enforced; and hence arose those bitter animosities which have poisoned the sources of social intercourse between our fellow citizens, and tended to disunite them and distract our councils. The embargo was the system which was best calculated to ensure success; and long will it be regretted that want of resolution to forego the advantages of a degraded commerce, and want of sound patriotism to enforce that measure, should have reduced our country to a dilemma, scarcely recollected to have occurred in the history of nations. But notwithstanding the disgraceful violations of the law, which have fixed an indelible stain on the characters of too many of our countrymen; its pressure was so severely felt, that aided by the failure of the combined forces in Spain, an epoch was produced, in which something like a friendly termination of our difference seemed to be promised. Overtures were made by the British government for accommodation, which were met by the president of the United States with that promptitude and candor, which characterise the great and good of every country. Stipulations were entered

into on both sides, preliminary to full and free negotiation on all the points in dispute. Every thing required by those stipulations was performed on our part with good faith. The militia, which had been organised, and held in readiness to meet aggression, whensoever it might be offered by any power, was discharged; the suspension of our commercial intercourse was taken off; and a fair and wide road was opened for the completion of what appeared to have been happily begun. But mark the issue! A new era arose on the continent, in which a final stroke was aimed at the power of France, (puerile indeed! for every unsuccessful attempt has only added strength to that power;) the stores of Great Britain were filled with American supplies; the complaints arising from hunger, want and misery, were appeased; and that government scrupled not to disavow the act of its *minister plenipotentiary*, under the shameful pretext of its being unauthorised; as if the injury were not the same to *us*, and as if their government was not benefited by the measure, and bound to ratify and sanction it, on every principle of good faith and sound morality.

Thus have we seen and felt injury following injury, from the commencement of the revolution to the present day; and negotiation succeeding negotiation, without any satisfaction for what had passed, or any security against future hostility; and thus have we seen too, all those rules which bind nations as well as individuals in the sacred bonds of justice, charity and benevolence, totally disregarded and a new order of things introduced altogether disgraceful to

civilized man.—“ Shall I not visit for these things, saith the Lord?” Nor has France acted up to those principles which she professes so much to admire and support—I mean the rights of neutrals and the freedom of the seas. For notwithstanding the peaceful attitude we have taken, unjust and severe wounds, (though not so frequent, nor yet so vitally fatal in their consequences,) have been inflicted by her on our rights and national honor, under the idea of our attachment to Great Britain, which was supposed to have influenced our measures, and to have counteracted her policy. For one nation to retaliate on another by which it is injured, is certainly justifiable: But what can justify or even excuse the act which inflicts a wound upon an innocent neutral, to come at an enemy? Why not suffer the inconveniences arising from the unlawful acts of some of our anomalous citizens, rather than violate all those ancient maxims which were so much revered in former times, and which are the only means of sustaining a good understanding with the world? It remains for that nation to wipe this stain from its splendid achievements, by a proper explanation and renunciation of its measures.

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EXTRACT FROM THE MESSAGE
OF GOVERNOR HUNTINGTON,
COMMUNICATED TO THE LEGISLATURE OF OHIO.

Since the last session of the legislature, no event of magnitude has taken place, affecting

particularly the interests of this state; nor have the foreign relations of the United States been materially altered.

The arrangement made by our government with Mr. Erskine, the British minister plenipotentiary, it was hoped would lay the foundation of a lasting peace and friendship between the two nations, but while the American people were manifesting the sincerity of their wishes for those blessings by the universal expression of their satisfaction, the arrangement was disavowed by the British cabinet, and regulations of a character, hostile and injurious to our commercial rights, were adopted. A minister has indeed been sent in place of Mr. Erskine, to renew the negotiation, but from the very extraordinary manner in which he has treated our government, it has become necessary to break off the negotiation, and to receive no further communication through him. Whether these things be considered as indications of a disposition to trifle with our government, or to deprive us of those rights to which we are entitled, by justice and the law of nations; there can be no doubt, that the unwarrantable pretensions out of which they have arisen, will be repelled in a becoming manner:—they have, however, furnished additional occasion for the display of moderation, and a pacific disposition in our government, while they have put its patience and forbearance to the severest trial.

Much uncertainty exists, as to the state of our differences with the French government, and the negotiations pending thereon; it is much to be feared, however,

that the reiterated complaints and remonstrances of our minister at that court, have been attended with too little success; whatever may be the result, as it respects either Great Britain or France, the course our government has pursued, will stand justified to themselves and the world, and we have good reason to expect the most cordial unanimity among all descriptions of citizens, in case it become necessary to appeal to the sword. I have deemed it not improper to advert to the state of our foreign relations, though as an integral member of the union, they are not committed to our charge; yet as our public honor, interests and rights, are identified with those of the nation, and as we may shortly be called on to contribute our share in their defence, nothing should be omitted that may enable us to prepare for the issue.

Enjoying, as we do, the inestimable privileges of civil and religious liberty, and the abundant means of private happiness and future prosperity: exempt from the scourges of war, famine and despotism, which desolate Europe; and from many of the calamities to which our sister states on the Atlantic, are subject; we should be, indeed, indifferent to our own welfare, if we were not among the first to stand forth in defence of our just rights. Leaving, then, to the depositories of public interest, in the general government, the management of national concerns, let us give them on every proper occasion, and more especially in times like the present, the most unequivocal demonstrations of our confidence and support.

ELEVENTH CONGRESS.

LIST OF MEMBERS COMPOSING
THE SENATE OF THE UNITED
STATES.*New Hampshire,*

Nahum Parker,
Nicholas Gilman.

Massachusetts,

Timothy Pickering,
James Lloyd.

Rhode Island,

(Vacancy,)
Elisha Matthewson.

Connecticut,

James Hillhouse,
Chauncey Goodrich.

Vermont,

Stephen R. Bradley,
Jonathan Robinson.

New York,

John Smith,
Obadiah German.

New Jersey,

John Condit,
John Lambert.

Pennsylvania,

Andrew Gregg,
Michael Leib.

Delaware,

(Vacancy,)
James A. Bayard.

Maryland,

Samuel Smith,
Philip Reed.

Virginia,

William B. Giles,
Richard Brent.

Kentucky,

Buckner Thurston,
John Pope.

North Carolina,

James Turner,
Jesse Franklin.

Tennessee,

Joseph Anderson,
Jenkin Whiteside.

South Carolina,

Thomas Sumter,
John Gaillard.

Georgia,

John Milledge,
William Crawford.

Ohio,

R. J. Meigs,
Edward Tiffin.

LIST OF MEMBERS OF THE HOUSE
OF REPRESENTATIVES, ACCORD-
ING TO STATES.

New Hampshire,

Daniel Blaisdel,
John C. Chamberlain,

William Hale,
Nathaniel A. Haven,
James Wilson.

Massachusetts,

Ezekiel Bacon,
Orchard Cook,
Richard Cutts,
William Ely,
Gideon Gardner,
Barzilla Gannett,
E. St. Loe Livermore,
Benjamin Pickman,
Josiah Quincy,
Ebenezer Seaver,
William Stedman,
Samuel Taggart,
William Baillies,
Jabez Upham,
Joseph B. Varnum,
Laban Wheaten,
Ezekiel Whitman.

Rhode Island,

Richard Jackson,
Elisha R. Potter,

Connecticut,

Epaph. Champion,
Samuel W. Dana,
John Davenport,
Jonathan O. Moseley,
Tim. Pitkin, Junior.
Lewis B. Sturges,
Benjamin Tallmadge.

Vermont,

William Chamberlain,
Martin Chittenden,
Jonathan H. Hubbard,
Samuel Shaw.

New York,

William Denning,
James Emott,

Jonathan Fisk,
Barent Gardenier,
Thomas R. Gold,
H. Knickerbacker,
R. Le Roy Livingston,
Vincent Matthews,
Peter B. Porter,
Erasmus Root,
K. K. Van Rensselaar,
Thomas Sammons,
Ebenezer Sage,
John Thompson,
Ura Tracy.

New Jersey,

Adam Boyd,
James Cox,
William Helms,
Jacob Hufty,
Thomas Newbold,
Henry Southard.

Pennsylvania,

William Anderson,
David Baird,
Robert Brown,
William Crawford,
William Findley,
Daniel Heister,
Robert Jenkins,
Aaron Lysle,
William Milnor,
John Porter,
John Rea,
Matthias Richards,
John Ross,
Adam Seybert,
John Smilie,
George Smith,
Samuel Smith,
Robert Whitehill.

Delaware,

Nicholas Van Dyke.

Maryland,

——— Brown,
John Campbell,
VOL. VI.

Charles Goldsborough,
Philip B. Key,
Alexander M'Kim,
John Montgomery,
Nicholas R. Moore,
Roger Nelson,
Archibald Van Horn.

Virginia,

Burwell Bassett,
James Brackenridge,
William A. Burwell,
Matthew Clay,
John Clopton,
John Dawson,
John W. Eppes,
Thomas Gholson, Junior.
Peterson Goodwin,
Edwin Gray,
John G. Jackson,
Walter Jones,
Joseph Lewis, Junior.
John Love,
Thomas Newton,
Wilson C. Nicholas,
J. T. Roan,
John Randolph,
John Smith,
Jacob Swoope,
J. Stephenson,
Daniel Sheffey.

Kentucky,

Henry Christ,
Joseph Desha,
Benjamin Howard,
Richard M. Johnson,
Matthew Lyon,
Samuel M'Kee.

North Carolina,

Willis Alston, Junior,
James Cochran,
Meshack Franklin,
James Holland,
Thomas Kenan,
William Kennedy,

Nathaniel Macon,
Archibald M'Bride,
Joseph Pearson,
Lemuel Sawyer,
Richard Standford,
John Stanley.

Tennessee,

Pleasant M. Miller,
John Rhea,
(One not certain.)

South Carolina,

Lemuel J. Alston,
William Butler,
Robert Calhoun,
Robert Marion,
Thomas Moore,
John Taylor,
Richard Winn,
R. Witherspoon.

Georgia,

William W. Bibb,
Howell Cobb,
Dennis Smelt,
George M. Troup.

Ohio,

Jeremiah Morrow.

DELEGATES,

From the *Mississippi territory,*

George Poindexter.

Indiana Territory,

(Vacant.)

Orleans Territory,

J. Poydrass.

PROCLAMATION.

BY HIS EXCELLENCY LIEUTENANT
GENERAL SIR GEORGE PRE-
VOST, BARONET, LIEUTENANT
GOVERNOR, AND COMMANDER
IN CHIEF IN AND OVER HIS
MAJESTY'S PROVINCE OF NOVA
SCOTIA AND ITS DEPENDEN-
CIES, &c. &c. &c.

Whereas the act passed in the 47th year of the reign of his present majesty, entitled, "an act for permitting until the 25th day of March, one thousand eight hundred and nine, and from thence to the end of the next session of parliament, the importation of certain enumerated articles into the British colonies on the continent of North America, and the exportation of other enumerated articles from the same colonies to the said United States," is expired, and his majesty not having thought proper, under and by virtue of the power to him given in and by an act passed for that purpose, in the last session of parliament, to renew his majesty's order in council of the 26th day of October, 1808, allowing the importation of certain enumerated articles from the United States of America in any ship or vessel belonging to any of the subjects of the said United States, into the ports of Halifax and Shelburne, in this province, and the exportation of certain enumerated articles from the same ports, in the like vessels, to the United States: and that no person hereafter may engage in a trade which is now unlawful:

I have thought fit, to publish this proclamation, allowing a reasonable time for those engaged

in such trade to have notice of the continuance of the said order in council, and hereby commanding and requiring all ships and vessels owned by the subjects of the United States of America, and now within the said ports of Halifax or Shelburne, forthwith to depart from the same; and all persons whatsoever are hereby forbidden to import, or bring into the said ports of Halifax or Shelburne, after the 15th day of September next, any of the articles enumerated in his majesty's said order in council, in any ship or vessel owned by the subjects of the United States of America; and public notice is hereby given, that every foreign ship or vessel of whatever description, which after the said 15th day of September, shall be found importing or bringing any of the articles enumerated in his majesty's said order, or any other goods, wares or merchandise whatsoever, into the ports or harbors of this province, the same will be seized as forfeited to his majesty.

And the officers of his majesty's customs, are hereby ordered to suffer all vessels belonging to the subjects of the United States, which may arrive in the said ports of Halifax or Shelburne, on or before the said 15th of September next, to land and dispose of all or any of the said enumerated articles, but not to export or carry away from this province any goods, wares, or merchandise whatsoever.

Given under my hand and seal at arms, at Halifax, this 15th day of August, 1809, in the 49th year of his majesty's reign.

GEORGE PREVOST.

By his excellency's command,

SAM. HOOD GEORGE.

PROCLAMATION.

BY HIS EXCELLENCY LIEUTENANT GENERAL SIR GEORGE PREVOST, BARONET, LIEUTENANT GOVERNOR AND COMMANDER IN CHIEF IN AND OVER HIS MAJESTY'S PROVINCE OF NOVA SCOTIA, AND ITS DEPENDENCIES, &c. &c. &c.

Whereas, by an act, passed in the 28th year of his present majesty's reign, for regulating the trade between his majesty's colonies in North America, and the countries belonging to the United States of America, power is given to the governor, lieutenant governor, or commander in chief, with the advice and consent of his majesty's council, when occasion shall require, to permit and allow the importation of certain enumerated articles into this province from the said United States of America.

I have therefore thought fit, with the advice and consent of his majesty's council, to publish this proclamation, hereby authorising and empowering British subjects, for the space of six months from the date hereof, to import and bring into this province from the United States of America, in British built ships or vessels, owned and navigated according to law, scantling, planks, staves, heading, boards, shingles, hoops or squared timber of any sort, horses, neat cattle, sheep, hogs, poultry, or live stock of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley, or grain of any sort.

Given under my hand and seal at arms, at Halifax, this 15th day of August, 1809, in the

49th year of his majesty's reign.

GEORGE PREVOST.

By his excellency's command,
SAM. HOOD GEORGE.

Philadelphia, December 5, 1809.

TO THE SENATE AND HOUSE OF
REPRESENTATIVES OF THE
COMMONWEALTH OF PENNSYLVANIA,
IN GENERAL ASSEMBLY
MET,

*The Memorial of the President,
Managers and Company of the
Schuylkill and Susquehanna Na-
vigation.*

That it is now more than 18 years since your enlightened and patriotic bodies granted a charter of incorporation to your memorialists: and in the preamble there-to declared, "That the opening a communication by water, for the transportation of the produce of the country, and of goods, wares and merchandises, between the city of Philadelphia and the western and north-western counties of the state of Pennsylvania, would greatly tend to strengthen the bonds of union between citizens inhabiting distant parts of a country governed by the same free and happy constitution and laws; to the encouragement of agriculture and manufactures, and the promotion of commerce."

That the correctness and justness of the opinion, thus declared, have been established, by every day's experience; and *that*, not merely in this state, where it has become one universal sentiment of the whole body of the people; but also in the neighbor-

ing states, where the same sentiment has been reduced to practice, and whither, unfortunately for Pennsylvania, many of those very advantages, which she had promised to herself, from projected roads and canals, are withdrawn. New York, New Jersey, and Maryland, by their wise and indefatigable exertions in the establishment of turnpikes, and the improvement of their inland-navigation, are not only rapidly increasing their public stock by what may be properly called *their own means*; but are making *the means of Pennsylvania* greatly subservient to the same purpose.

Your memorialists will not consume the time of your honorable bodies, by pursuing the painful inquiry, why it has happened, that Pennsylvania, who was foremost to *perceive* the immense advantages which would be afforded by canals, to her agriculture, her manufactures, her commerce, and the union of her citizens, is yet to *experience* those advantages. Why the attempts which have been made have proved disastrous to individuals, and of no advantage to the community; or why the works which, at a great expense and labor, have been erected, are suffered to moulder and decay; at once the monuments of her patriotism and her wisdom in *projecting*, and her inefficiency in *executing*, plans to promote the best interests of her citizens.

Your memorialists, actuated by motives of regard to the public interest, no less than by an anxious desire of rescuing a large capital, which has been invested in the object of their incorporation, and rendering it productive to themselves, beg leave to submit these observations to your honorable

bodies : And, while they lament the disappointment of their hopes thus far, they are conscious of, and acknowledge with gratitude, the various instances in which they have experienced the protection, encouragement, and support of the legislature ; which they have justly attributed to the deep and uniform conviction of the members of your honorable bodies, that the interest and happiness of your constituents are intimately and essentially connected with the success of the great object which has been confided to the direction of your memorialists.

Of the practicability of the proposed canal and lock-navigation, your memorialists believe there is as little doubt, as of its great usefulness when accomplished ; and the only difficulty which has obstructed its progress, and now delays its execution, is the want of the *money* necessary for the purpose.

Your memorialists need not recount to your honorable bodies, the mistakes and the misfortunes which have exhausted the fund, originally created by the voluntary contributions of the members of their company ; most of which mistakes and misfortunes may be fairly attributed to the novelty of a canal and lock-navigation in this country. Nor is it necessary for them to lay before you the obvious truth, that the delay, and the unprofitableness of the enterprise, to the individuals who engaged in it, and their inability to give a satisfactory assurance of a punctual discharge of *interest*, cuts off, at the present, all hope of receiving aid from capitalists : Who of course prefer that mode of employing their money which

secures to them an immediate and a certain profit.

Your memorials being without funds, and without the ability to give that kind of security which is indispensably necessary to obtain them, by loan ; have made every possible effort to avail themselves of the privilege of raising a sum of money, by lottery ; that being the only resource which presented itself to them : But in this too they have suffered disappointment. The privilege of raising money, by lottery, has been granted to so many other corporate bodies, and the community is so cloyed with the endless variety of *schemes* (many of them from other states, in manifest violation of the laws of Pennsylvania) which are continually presented to them ; that the grant of this privilege is rendered entirely nugatory and unproductive to your memorialists.

Your memorialists beg leave to recal your attention to the considerations, which have induced the legislature to grant to your memorialists the privilege of raising a sum of money, by way of lottery, to be applied to carrying on the works of the Schuylkill and Susquehanna Navigation, as they are distinctly set forth in the preamble to the law passed, for that purpose, in April, 1795. It is in these words :

“ Whereas the companies incorporated for opening a canal and lock-navigation, between the rivers Schuylkill and Susquehanna, &c. have, from the novelty of such extensive and arduous undertakings, in a young country, experienced numerous difficulties, beyond what were ever contemplated by the legislature, at the time of passing the acts of

incorporation, or by the subscribers to the said works, at the time of subscribing thereto. And whereas large sums of money have already been expended on the said works;—and there is every reasonable expectation that a canal navigation, connecting the eastern and western waters of Pennsylvania, may be effectually completed, if efficient funds can be provided for the same, to the great advantage and increase of the agriculture, trade and manufactures of the state at large. *Be it enacted," &c.*

Upon the faith of the grant of this privilege, which was naturally regarded, by your memorialists, as a part of the means of accomplishing their *extensive and arduous undertaking*; they have proceeded, from time to time, to make large advances of money. And your memorialists do most humbly conceive, and respectfully submit to your honorable bodies, that in the very grant of the privilege, there is an implied and necessary engagement, that the state shall refrain from any acts which must inevitably defeat the grant, and render it of no value to your memorialists. And they further submit, that nothing, save the actual repealing of the law referred to, could more effectually defeat the privilege intended to be granted by it to your memorialists, than the granting the same privilege, so frequently as it has been granted, to others.

Your memorialists need not press upon the intention of your honorable bodies, the obvious distinction between their case as above stated—where the grant has been made for the purpose of accomplishing a great public object, and where funds have been ad-

vanced, upon the faith and confidence that the grant will neither be directly retracted, nor circuitously defeated—and in ordinary cases, where lotteries are granted for purposes of private charity or benevolence. In the latter case, no money is advanced by individuals on the pledge of the grant; nor do they look for return of profit. In the former, the grant forms a part of the very consideration, upon which individuals advanced their money, and is a pledge for its reimbursement, or for the payment of the lawful profit thereon.

In addition to which, it may be remarked, that it is no less a principle of real republicanism, than sound policy, that the good of one or of a few, should in all cases yield to the good of many or of all the members of a society.—And, surely a single charity, or many of them, intended to relieve the wants, or alleviate the sufferings of a few individuals, united by narrow, partial, or local views, however amiable and praiseworthy; can never come in competition with an association like that of your memorialists, intended and calculated to diffuse wealth and prosperity through every quarter of the state, and to contribute to the comfort and benefit of every citizen, without favour or distinction.

Under these circumstances and considerations, the great importance and the practicability of the proposed canal and lock navigation to the citizens of Pennsylvania, being *undeniable!* the funds raised by the contributions of individuals being exhausted; the privilege of raising other funds, by lottery, being, by reason of the causes before mentioned, render-

ed entirely unavailing; and no other resource presenting itself to your memorialists, they feel emboldened to ask and to expect aid from your honorable bodies, the constitutional guardians of the rights and the interests of the people.

It is not for your memorialists to prescribe to the wisdom of the legislature, how that aid is to be granted; but they trust it will not be deemed presumptuous in them, to suggest a mode which would be little or not at all burthensome to the public, and yet give the requisite relief to your memorialists. Under this impression, and with this belief, they request that, if in your wisdom it should seem expedient, you would grant to them, in express terms, the *exclusive* privilege of raising money, by lottery, for a certain number of years, or until a sum adequate to their wants shall have been raised.

This would render the privilege, granted by your predecessors to your memorialists productive as it was intended to be. It would afford means, without subjecting the state to any actual expense, of enriching, invigorating, and dignifying her, by the great and useful work which is contemplated; and it would at the same time, relieve the legislature from troublesome importunities; would confine the spirit of adventure of individuals within reasonable bounds; would prevent the distraction of the public mind by the infinite variety of *Schemes* now offered for their consideration; and secure to fortunate adventurers a prompt and honorable discharge of their claims: Added to which, it would be a certain and effectual mode of putting a stop

to the flood of lottery tickets poured into Pennsylvania from other states; by which they are enriched, while she is impoverished, her citizens wronged, and her laws openly and unblushingly violated.

Your memorialists beg leave further to suggest, that, with an unceasing anxiety for the success of their endeavours, they have been led to a review of the various laws passed, in relation to the Schuylkill and Susquehannah Navigation; which has produced a belief, that some beneficial alterations and additions might be introduced therein. These they beg leave to communicate through their agent, *Charles G. Paleski, Esq.* who, for that purpose, will attend, in your memorialists' behalf, such committee or committees as your honorable houses may think proper to appoint.

And your memorialists, as in duty bound, will always pray.

Charles G. Paleski, *Pres.*

Managers.

Wm. Meredith,
S. Wetherill, jun.
T. B. Zantzinger,
William Guier,
John Sergeant,
John Baker,
James Milnor,
J. Huddell, jun.
Joseph Watson,
Joseph S. Lewis,
S. F. Bradford,
William Read,

Wm. Govett, *Secretary.*

REPORT OF THE COMMITTEE
CHARGED BY THE CITIZENS OF
MICHIGAN, TO EXAMINE THE
DIFFERENT FORMS OF TERRI-
TORIAL GOVERNMENTS.

The committee charged to enquire into the different forms of territorial governments in the United States, submit the following report.

There appear to have been nine territories under the government of the United States, seven of which still exist.

1. The territory known by the denomination of "the territory of the United States north-west of the river Ohio."

2. The territory known by the denomination of "the territory of the United States south of the river Ohio."

3. The territory of Mississippi.

4. The territory of Indiana.

5. The territory of Columbia.

6. The territory of Orleans.

7. The territory of Louisiana.

8. The territory of Michigan.

9. The territory of Illinois.

The form of government in the first of these, the territory north-west of the river Ohio, and which has afforded the precedent for most of the others, was prescribed by an ordinance of Congress made under the confederation. It appears to have been framed while the convention which gave to America her present constitution of government, were in session, and before any idea of the result of their deliberations could have transpired; and this circumstance will explain some of the peculiarities of the instrument.

It professes to make a compact between the original members of the confederacy, and the future inhabitants of an uncultivated wilderness, a compact necessarily on one side, for want of a second party; but which certainly pledged the national faith to many important covenants; the greater part of which, however, received

a more solemn sanction in the constitution itself, or were superceded by the provisions of that instrument. Among these were the establishment of religious freedom, and of the political rights of the writ of habeas corpus, the trial by jury, legislative representation, and the correct and impartial administration of justice. An indissoluble connection was declared to subsist between the republics, to be erected in those spacious regions, and the primary powers of the confederation. An equitable proportion of the revolutionary debt was to be defrayed by the inhabitants; and the whole burthen of national expense was to be sustained by them, under a common apportionment with the people of the other states. The federal right to the soil was scrupulously fortified, and the free use of those superb navigations connected with the Saint Lawrence and the Mississippi, was impregably secured; exempt from tax, impost or duty. Exercising an early, and a wise forecast, the existence of slavery, that black and putrid stain on the American character, by an act of pure and sublime virtue, was eternally inhibited. In short, the whole instrument is stamped with an aspect which bespeaks it the act of a free and generous people; anxious indeed, to preserve the geographical magnitude of their empire, but at the same time anxious to spread and diffuse the holy principles of liberty.

Humane and provident the regulations in contemplation certainly were; but, an immediate enjoyment of the civil privileges, attached to the character of an American citizen, was however impossible. The axe of savage

warfare was suspended over the land. The legislative power, incapable of being exercised by the people, was confided, as a temporary trust, to the anomalous departments of the executive and the judiciary. That, even during so short an emergency, tyranny should find no avenue of entrance, the model of every legislative regulation was to be sought among the wise institutions of the original and revolutionary states. A model however of republican government, on a scale more sublime than antiquity could boast of, and on a basis more solid than the monarchies of modern ages can pretend to, was about to burst upon the view of mankind. Under its auspices the savage hordes retreated before the American banner; and the closing acts of the administration of WASHINGTON sealed the tranquillity of this western world.

The principles of republican representation were then reduced to operation and practice; and the territory north-west of the river Ohio, acknowledged the equitable sway of a body of sages, elected by the public suffrage, from its internal population.

At the outset of the government of the territory north-west of the river Ohio, and while in its primary grade, the impossibility of adopting, compelled its administrators into the necessary, but illegitimate course, of making the legislative regulations. Quick as is the sensibility of a republic, on the approach of danger, or at the aspect of tyranny: like other portions of mankind, her citizens are slow to learn in time of tranquillity and peace. Accordingly the inconveniences of a legislative power, under so extraordinary

and so awkward a modification, have been perpetuated, after reason had probed its inconsistency; and transplanted to other governments, when experience had demonstrated its inadequacy.

The liberality of the republic of North Carolina, presented to the confederated government another fertile and extensive domain. To this country the same principles of government were applied; but a short period beheld the sister states of Tennessee and Ohio, expanding the circle of the American union.

The extent of the southern and western possessions, requiring a continuance of the system of territorial government, those of Mississippi and Indiana succeeded to the two former, denominated from their relative position to the river Ohio.

A territory destined to the permanent sway of the federal authorities, and to hold forever in its bosom the depositories of the national power, came also under the general jurisdiction.

The principles of the ordinance were changed in their application to the southern government; but on arrangement consistent with the principles of liberty, has been made for the territory of Columbia.

To the territories north west of the river Ohio, south of the Mississippi and Indiana, have since succeeded those of Orleans and Louisiana, Michigan and Illinois.

Regarding the ordinance of the year one thousand seven hundred and eighty seven, as an ordinary act of regulation, the articles of compact alone excepted, its provisions have been successively changed. The territory of Indi-

ana has been advanced to the second grade, without reference to its population. It has been allowed a qualified representation in the general government, on the basis of a popular election. The executive and judicial departments of the territory of Louisiana, have been authorised to make, instead of adopting laws. The general government has defrayed the expenses of legislation in the territory of Orleans; and, so far as regards the house of representatives of the United States, a consent has been expressed to apply the same principles to the territory of Michigan.

Your committee, therefore, recommend the adoption of a second grade of government, for the territory of Michigan, so constituted as that, instead of the executive and the three judicial magistrates, appointed by the general government, adopting the laws, five representatives, elected by the people, should make them; and a representation in Congress, conformable to the general territorial system. Retaining the power of disapprobation in the legislature of the United States, the exercise of an executive veto, or the interposition of a consular branch, are deemed for the present superfluous. Limiting the daily compensation to a dollar and twenty five cents, and restricting the number of days to twenty-five in the year; the arrangement is too much within the principles of economy, to admit a doubt of its being cheerfully accredited by the general government.

The committee subjoin a list of the laws they have referred to on this subject.

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| 1787 | An ordinance for the government of the territory of the United States, north-west of the river Ohio. Laws of the U. S. vol. 2.—page 559. |
| July 13 | |
| 1789 | An act to provide for the government of the territory north-west of the river Ohio. L. U. S. vol. 1.—page 32. |
| August 7 | |
| 1790 | An act to accept a cession of the claims of the state of North Carolina, to a certain district of western territory. L. U. S. vol. 1.—page 92. |
| April 2 | |
| 1790 | An act for the government of the territory of the United States, south of the river Ohio. L. U. S. vol. 1 —page 118—Folwell's edition—vol. 1 —page 196.—Edition of Childs. |
| May 26. | |
| 1790 | An act for establishing the temporary and permanent seat of the government of the United States. L. U. S. vol. 1.—page 132. |
| July 16 | |
| 1792 | An act respecting the government of the territories of the United States, north west and south of the river Ohio. L. U. S. vol. 2.—page 125. |
| May 8 | |
| 1796 | An act for the admission of the state of Tennessee into the union. L. U. S. vol. 3.—page 361. |
| June 1 | |
| 1798 | An act for an amicable settlement of the li- |
| April 7 | |

mits with the state of Georgia, and authorising the establishment of a government in the Mississippi territory—L. U. S. vol. 4.—page 90.

1800
May 7 An act to divide the territory of the United States north-west of the Ohio, into two separate governments. L. U. S. vol. 5.—page 139.

1800
May 10 An act supplemental to the act entitled, “an act for an amicable settlement of limits with the state of Georgia; and authorising the establishment of a government in the Mississippi territory.” L. U. S. vol. 5.—page 164.

1801
Feb. 27 An act concerning the district of Columbia. L. U. S. vol. 5.—page 268.

1802
Feb. 18 An act extending the privilege of franking and receiving letters free of postage, to any person admitted or to be admitted to take a seat in Congress as a delegate, and providing compensation for such delegate. L. U. S. vol. 6.—page 10.

1802
April 30 An act to enable the people of the eastern division of the territory north-west of the river Ohio, to form a constitution and state government, and for

the admission of such state into the union on an equal footing with the original states, and for other purposes. L. U. S. vol. 6.—page 120.

1803
Oct. 31. An act to enable the president of the United States, to take possession of the territories ceded by France to the United States, by the treaty concluded at Paris, on the 30th of April last, and for the temporary government thereof. L. U. S. vol. 7.—page 3.

1804
March 26 An act erecting Louisiana into two territories and providing for the temporary government thereof. L. U. S. vol. 7.—page 112.

1805
Jan. 11 An act to divide the Indiana territory into two separate governments. L. U. S. vol. 7.—page 241.

1805
March 2 An act further providing for the governments of the territory of Orleans. L. U. S. vol. 7.—page 281.

1805
March 5 An act further providing for the government of the district of Louisiana. L. U. S. vol. 7.—page 304.

1808
Jan. 9 An act extending the right of suffrage in the Mississippi territory and for other purposes. L. U. S. vol. 9.—page 14.

1808
Feb. 6 An act extending the right of suffrage in

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|--------|-------------------------|-----------------------------|------------------------|
| | the Indiana territory, | 1809 | An act extending the |
| | L. U. S. vol. 9—page | Feb. 27 | right of suffrage in |
| | 54. | | the Indiana territory, |
| 1809 | An act for dividing the | | and other purposes, |
| Feb. 3 | Indiana territory into | | L. U. S. vol. 9—page |
| | two separate govern- | | 235. |
| | ments. L. U. S. vol. | | |
| | 9—page 208. | Michigan, October 16, 1809. | |

CHRONICLE.



CHRONICLE.

THE month of November is that season of the year at which we are to expect the greatest variety in the weather; but on taking a retrospect of the state of the weather during the preceding month, and comparing it with other years, we find a greater diversity of heat and cold than we usually experience. The following observations have been taken from a thermometer of Fahrenheit's scale, which on comparison with others made by eminent artists seems to be a good one.

	<i>Highest.</i>	<i>Lowest.</i>
Nov. 1792	65	30
1793	68	29
1794	73	24
1795	69	31
1796	61	18
1797	68	20
1798	62	22
1799	No observation.	
1800	61	22
1801	68	26
1802	61	28
1803	65	26

1804	66	30
1805	68	32½
1806	63	32
1807	66½	23
1808	66	27
1809	71	22

METEOROLOGICAL OBSERVATIONS, AT CHARLESTON, SOUTH CAROLINA, FOR JUNE.

Thermometer, Highest 87
 Lowest, 63
 Mean, 75

Barometer, 30, 15 to 30, 70

Hygrometer, damp, 34 to 101

Prevailing Wind, S. W. 17 days.

Fall of Rain, 6 inches 6½ tenths.

Days of Rain, 5

Days of thunder, 6.

ACCOUNT OF THE SHIPWRECK OF THE SLOOP THETIS, CAPTAIN TABER, GIVEN BY HIMSELF:

I sailed on the 16th ultimo

from New Bedford, in the sloop *Thetis*, of that place, bound to Savannah, having on board, including both crew and passengers, 34 souls. On the 3d we experienced a violent gale of wind from the N. E. which brought us too under a trisail, after having scudd 6 hours. At about 7 o'clock, P. M. we were struck, as was supposed, by a white squall from the N. N. W. which instantly upset us, in lat. 34, 8, long. 76, 30.—The sea rushed immediately into the cabin, where 22 of the passengers perished, or were washed from the deck as they endeavoured to escape out of the companion way. The vessel lay upon her beam ends upwards of 48 hours, during which time repeated efforts were made to cut away the mast, but without effect, she being almost wholly under water, and a heavy sea going; twelve of us, being all who survived, on the second day lashed ourselves to the quarter rail, when two more, (Joseph Crowell and Joseph Francis) perished with cold and fatigue. On the third day, the gale abating, and the weather growing moderate, we cut the shrouds, and cleared away the mast from the wreck, and she nearly righted, but was full of water. On the sixth day after being on the wreck, we saw a ship, which hoisted American colors, and bore down we supposed to our assistance, but at sunset she lost sight of us—the ship stood by us all the night, during which time we could distinctly see her, though it is believed we were not perceived by those on board of her—about day-light, a severe gale sprung up, and the ship losing sight of us, proceeded

on her course. We saw several other vessels pass us, but not near enough to be hailed. On the seventh day, all of us, except one man was washed from the wreck by a sea that unexpectedly broke upon us, but by much exertion, four of us regained the vessel, when I with the survivors, Mr. Asa F. Taber, Amos Kelly, Braddock Gifford, and Thomas Snow, wrapped ourselves in a sail spread across the quarter rails, and there continued exposed to the inclemency of the weather, and to the voracious sharks, which sported around us, seeming impatient for their prey: one of our companions having already fallen a victim to their jaws, before our sight. In this situation we continued seventeen days, subsisting wholly on raw potatoes and port wine, much damaged by the salt water; when captain Hudson of the ship *William and Henry*, by an interposition of heaven, too affecting to be ever forgotten by us, came to our relief, and snatched us from despair and impending death—finding us cold, hungry and exhausted, he clothed and fed us, and by the tenderest exercise of hospitality and kindness, cheered us back to life. Not to acknowledge our obligations to so great a benefactor, would be to suppress the involuntary effusions of grateful hearts. For myself therefore, as well as in behalf of my surviving fellow-sufferers, I take this public opportunity to express our warmest acknowledgments to Captain Hudson, and also to his mates and crew, for the promptness and perseverance which they shewed in rescuing us from a watery grave, as well as their hu-

manity, and attention so uniformly continued to us till our arrival in this port.

JOHN TABER, jun.
Charleston, (S. C.) 12th }
December, 1809. }

Nineteen of the persons lost had families, and all of them lived in or near New Bedford.

The number of patients who have been under the care of the Dispensary from Dec. 1st, 1808, to Dec. 1st, 1809, is 2408
Remaining from last year, 73
Admitted since last year, 2335
Of whom the number cured is, 2065
Dead, 75
Relieved, 117
Removed, 13
Irregular, 56
Remaining under care, 82
—————2408

Account of Receipts and Expenditures.

The treasurer has received, from December 21st, 1808, to December 23d, 1809 :
In annual contributions, \$ 979 35
John Keble's legacy, the cash part thereof, 7310 24
Andrew Doz's legacy, in part, 2000 00
A donation from a person unknown, 50 00
Do. do. 10 00
Do. do. 10 00
Do. do. 1 00
Six months rent of house in Zane street, part of John Keble's legacy, 101 62
VOL. VI.

18 months ground rent part of do. due May 27th, 1809, 141 24
1 years' ground rent, part of do. due May 1, 1809, 60 00
6 months ground rent, part of do. due June 6, 1809, 50 00
6 months dividend on two shares bank of United States stock, due July, 1809, 32 00
Rent of Dispensary cellar to Oct. 22d, 1809, 80 00
Balance due the treasurer this year, 21 92
Accounts passed by the Board of Managers but not paid, 248 03
—————
\$ 11095 40
—————

Expenditures.

Balance due the treasurer last year \$ 6 77
Orders passed last year by the Board of Managers, and paid this year, 335 15
House expenses and Medicines, 1505 34
Apothecary's salary, 344 45
Stationary, 30 00
Paid money borrowed of bank of Pennsylvania, 1400 00
Paid principal and interest of debt due the Pennsylvania Hospital, 1969 33
Repairs and improvements at the Dispensary, 1168 53
Purchased eight shares of bank United States stock, 4063 00
Ditto two shares of Farmers and Mechanics bank stock, 139 50

Ditto a ground rent of
eight dollars per ann. 133 33

\$ 11095 40

It must afford peculiar satisfaction to the patrons of the Dispensary to observe, that by the liberal bequests of two individuals the whole of the debt, with which the institution was so greatly embarrassed, has been discharged. The lot has been enclosed with a substantial brick wall, the building has been fully completed, and every part thereof is now in a state of thorough repair.

Although the funds of the Dispensary have thus been considerably increased, yet these alone will not be sufficient for the expenses. The very nature and existence of the institution require the continued support of the contributors, whose subscriptions will be thankfully received, as usual, by the treasurer *John Clifford*, No. 29 North Water street, and by all the managers.

The contributors are notified, that an election for managers for the ensuing year, will be held at the Dispensary on the first day of January next, between the hours of 12 and 1 o'clock.

Published by direction of the Managers.

WM. WHITE,
President.

Philadelphia, Dec. 26, 1809.

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The public will recollect, that in June, 1807, an account was published in most of the papers in this city of the sums collected in Philadelphia and sundry German Congregations in Pennsylvania,

for the relief of the distressed inhabitants of Ulm and the adjacent country, amounting to 3388 dollars and 32 cents, producing 10159 marks Hambro' Banco. It was then stated, that as soon as information had been received of the application and distribution of said money, regular notice should be given in the public prints. This account has now been rendered by Messrs. Henry Van Der Smissen's Sons of Altona (to whom the whole sum had been remitted) accompanied with receipts from 29 cities and villages which have suffered most by the ravages of the war. The committees and persons to whom the contributions were entrusted in the 29 cities and villages have rendered a minute and detailed account thereof, with their warmest thanks and sincere wishes, that their American benefactors, who, notwithstanding the great distance from the scene of misery and want, have so cheerfully wiped away the tears from the eyes of suffering humanity, may be preserved from the destructive ravages of war, of which they have become the victims. It is stated, that some of the villages, inhabited mostly by poor peasants, have been so unfeelingly plundered by the contending armies, that no other eatables were left but potatoes, that the unexpected and generous gift allotted to them from Philadelphia had been invested in rye and buck-wheat meal, by which the inhabitants were supported during the winter. They express themselves thus: "Never will we despair, seeing that our kind and merciful Father in Heaven moves the hearts of our American brethren to heal our wounds, when our

neighbours are destitute of oil. May He reward them who hath promised to consider as done unto him, whatever hath been done unto the least of his brethren.— May God preserve and bless them both here and in eternity, since we are disabled to make them any returns for their great and generous assistance.”

The accounts, receipts and letters relating to the above, are at the counting-house of Godfrey Haga, for inspection.

Philadelphia, 23d Oct. 1809.

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STATEMENT OF THE NUMBER OF
HOUSES ERECTED IN THE CITY
AND LIBERTIES OF PHILADEL-
PHIA, DURING THE PRESENT
YEAR (1809).

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| 2 Stores on Delaware, above Mulberry street. | 1 Do. in Second above Callowhill street. |
| 2 Do. above Sassafras street. | 1 Do. in Second below do. |
| 1 Do. in Front, above do. | 1 Do. in an alley back of do. |
| 1 House in Front next to Vine street. | 1 Do. in New near Second street. |
| 1 Do. in Callowhill street. | 1 Do. in Sassafras next to Third street. |
| 2 Do. in Front above Noah's Ark. | 1 Do. near Fifth street. |
| 2 Do. the North end of Front street. | 1 Do. in Cherry below Seventh street. |
| 1 Do. in Coats's between Second and Front streets. | 14 Do. in Sassafras between Eighth and Ninth streets. |
| 1 Do. in Second above Coats's street. | 1 Do. corner of Cherry and Ninth streets. |
| 3 Do. in Coats's street between Fourth and Fifth streets. | 1 Do. (frame building) in Sassafras above Tenth street. |
| 2 Do. (Frames.) | 3 Do. on Broad near Mulberry street. |
| 13 Do. in Tammany street between Third and Fourth streets. | 1 Do. in Eleventh near Mulberry street. |
| 1 Do. in Second above do. | 1 Do. (frame building) near Thirteenth street. |
| 1 Do. in Second above Callowhill street. | 1 Do. in Mulberry above Ninth street. |
| 1 Do. (frame building.) | 2 Do. in Filbert above Ninth street. |
| 4 Do. in Callowhill between Second and Third streets. | 4 Do. in Ninth above Filbert street. |
| | 3 Do. in Mulberry above Eighth street. |
| | 3 Do. in Mulberry below Eighth street. |
| | 7 Do. in Seventh above High street. |
| | 4 Do. in Mulberry street, above Fifth street. |
| | 1 Do. in North Alley. |
| | 2 Do. in Mulberry above Fifth street. |
| | 2 Do. in Watkins's Alley. |
| | 1 Do. in Mulberry above Front street. |
| | 1 Do. in Cherry near Fourth street. |
| | 8 Do. corner of High and Second streets. |
| | 1 Do. in Christ Church alley. |
| | 2 Do. in Second between High and Chesnut streets. |

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| 3 Do. in Third between High and Chesnut streets. | 1 Do. (frame building) corner of Locust and Eighth streets. |
| 4 Do. in Chesnut between Third and Fourth streets. | 1 Do. below do. in Eighth street. |
| 2 Do. in do. between Fourth and Fifth streets. | 1 Do. corner of Spruce and Seventh streets. |
| 1 Do. in High between Fourth and Fifth streets. | 6 Do. in Pine above Seventh streets. |
| 1 Do. in Sixth between High and Chesnut streets. | 10 Do. in Pine above corner of Fifth street. |
| 1 Do. back of the Theatre, Chesnut street. | 5 Do. in Fifth near do. |
| 2 Do. in Seventh near Chesnut street. | 7 Do. in ——— Alley adjoining do. |
| 2 Do. corner of Seventh and Chesnut streets. | 4 Do. in Fifth between Walnut and Spruce streets. |
| 3 Do. in Eighth below Chesnut street. | 3 Do. in Walnut between Fourth and Fifth streets. |
| 1 Do. corner of Chesnut and Ninth streets. | 3 Do. in Front adjoining Walnut street. |
| 1 Do. in Chesnut between Ninth and Tenth streets. | 4 Do. in Dock between Walnut and Spruce streets. |
| 1 Do. corner of Tenth street. | 1 Do. in Union above Third street. |
| 4 Do. in Tenth below Chesnut street. | 2 Do. in Pine above Third street. |
| 4 Do. in Chesnut between Tenth and Eleventh streets. | 1 Do. in Pine above Second street. |
| 1 Do. in Chesnut between Twelfth and Thirteenth streets. | 1 Do. in Fifth between Lombard and Pine streets. |
| 1 Do. (frame building) between Tenth and Eleventh streets. | 5 Do. in Seventh below Lombard street. |
| 2 Do. (stores) corner of High and Twelfth streets. | 1 Do. in Third below Cedar street. |
| 4 Houses in High between Eleventh and Twelfth streets. | 1 Do. in Front below Carpenters' street. |
| 2 Do. in High between Tenth and Eleventh streets. | 2 Do. in Prime street. |
| 5 Do. in Tenth between High and Chesnut streets. | 1 Range of stores on the Delaware below Spruce street. |
| 3 Do. in High between Ninth and Tenth streets. | |
| 2 Do. in High between Eighth and Ninth streets. | |
| 3 Do. in Sansom between Eighth and Ninth streets. | |
| 1 Do. corner of Walnut and Eighth streets. | |
| 1 Do. in Locust above Eighth street. | |

223 Total.

The Watering committee, from a desire to prevent the very great waste of the Schuylkill water, which prevails throughout the city, are induced to present to their fellow citizens the following statement, to show how necessary it is for every person to avoid (and prevent, as far as in their power)

all waste of the water, with which this city is so abundantly supplied, at a very great expense, that is considerably increased by continual abuses in the use thereof.

The quantity of water raised at the Centre Square Engine, for the supply of the city is about 250 millions of gallons in a year, which costs about 20,000 dollars, or 8 cents for 1000 gallons.

From various experiments made to ascertain the quantity of water discharged through a ferule of half an inch diameter in one minute, the result was 7 to 10½ gallons, according to the situation and head of water at the Centre Engine, the average of which is 8 5-8 gallons per minute, which

In one hour will

amount to 517½ galls.

In one day 12,420 do.

In one year 4,533,300 do.

If the water from one house runs only half an hour in every day, the quantity in a year will amount to 94,500 gallons at eight cents per 1000 gallons is \$ 7 56

The rent for a house per year is 5 00

The loss to the city is 2 56

The fire plugs are three inches diameter and will each discharge in one minute from 200 to 250 gallons of water according to the dimensions of the pipe of conduit it is attached to and the head at the Centre Square, so that in one hour from 12,000 to 15,000 gallons of water may be discharged from one fire plug.

The fines and penalties imposed by the ordinances for the waste of the Schuylkill water, will be strictly enforced. The High Constable, Watchmen and all officers of the city Police are en-

joined to give information to the Mayor or Aldermen of all who may offend against the said ordinances.

The ingenious RUSH, whose superior excellence in the sculpture of wood, has done equal honor to himself and his country, within a few days past completed a design in the highest degree ornamental to our city. In the eastern avenue to the rotunda on Centre Square, a mass of rocks have been placed (as nearly resembling nature as circumstances would admit) amongst which are distributed small leaden pipes, and through them flows the Schuylkill water in an irregular manner. On the top of the rocks, in graceful attitude and attire, stands a female figure, on whose right shoulder a large water fowl is seen endeavouring to escape from the hands of the Nymph.—From the birds' beak issues a column of water about eight feet above the figure, at the base of which also ascend streams of unequal height, the whole forming an elegant fountain.

Hagerstown, (Md.) Oct. 4.

We have at present in our country 18 vineyards, each from a half, to two and an half acres; the oldest now, three and an half years. The plants or cuttings principally obtained from Mr. Legeaux, near Philadelphia, from gentlemen's gardens in the vicinity of Baltimore, and a few raised from the seed of the white Leghorn grape (which, however,

do not yet bear.) Some also were obtained from other inland gardens. They are all in the most flourishing condition:—and, in all probability the number of the vineyards will by next spring be double.

Plants have been obtained from this country, and a commencement made in Shanandoah county, Virginia, which promises the greatest success. There are at present about half a dozen European vine gardeners in the county, among which, is one Austrian; the others Wirtembergers and Swiss. But the American Germans have commenced this useful business with great assiduity; and in a few years this will, without doubt, form an extensive branch of our culture; particularly as the American Germans are unwilling to cultivate the vine like the Europeans, with the hoe; but arrange it so that the labour can be done with the plough.

The European gardens have chiefly planted their vines (as they have been accustomed to) 4 feet apart; but the Americans have deviated from this method, and planted them from 5 to 6 feet apart, which is sufficient. Experience has already, and will in future, fully justify this method; as the vine in this country grows much more rapid, strong, and higher, than in Europe; the heat also being much greater, they will consequently require more space and air: and as in this manner more labour can be performed in a day, with one horse and plough than with 12 hands.

Notwithstanding the late frosts last spring and the uncommon drought during the summer, have

done material injury to the two first vineyards; each of them has, nevertheless, produced several barrels of wine. The grapes we have (which consist at least of a dozen different kinds) are of excellent quality, and those from Mr. Legaux are among the best; such as the Constantia, the Black, the Blue, the Red and White Frontignac, the White Sweetwater, the Rhine, Claret, &c. &c.

We have no vines from Hungary; but all of American growth; notwithstanding they have been originally brought from Europe. There is not the smallest doubt, but that the culture of the vine will succeed in this county, to our utmost wishes. It is chiefly necessary to guard against situations, where the late spring frosts can have too much effect.

A PROCLAMATION.

BY THE MAYOR OF THE CITY OF
NEW YORK.

Whereas the board of health of the said city have represented to me, that a pestilential or infectious disease doth prevail in the village of Brooklyn, in the county of Kings—I do therefore, by virtue of the powers in me vested, by the act, entitled, “An act to provide against infectious and pestilential diseases,” and in pursuance of the advice of the board of health, prohibit all intercourse and communication between the city and county of New York, and all that part of the village of Brooklyn, comprised within the following boundaries, viz. between East river and a line beginning at Pierpont’s distillery

thence following 'the road from said distillery to the military gardens, thence down the main road to the junction of the old and new ferry roads, at the corner of Sands street, thence along Sands street to Jackson street, and thence down Jackson street to the East river: And that no person shall be permitted to enter the said city and county of New York, who shall, after the date of this proclamation, have been within the bounds above described, in the said village of Brooklyn, until fourteen days shall have elapsed after such person shall have been within the limits aforesaid. And all officers entrusted with the execution of the said act, and all other persons, are required to take notice and govern themselves accordingly, under the pain and penalties imposed upon offenders by the said act, which will be rigorously enforced.

In witness whereof, I have hereunto subscribed my name, and caused the seal of the mayoralty to be affixed (Ls)ed, in the city of New York, the first day of August, in the year of our Lord, one thousand eight hundred and nine.

DE WITT CLINTON.

—
Brooklyn, August 4, 1809.

The committee appointed at a meeting of the inhabitants of the town of Brooklyn, respectfully submit to their fellow-citizens, and the public, the following statements of facts respecting the present state of the health of this town; the truth and correctness of which they pledge themselves to prove to the satisfaction

of all those who may be disposed to enter into an enquiry on the subject.

The committee, yesterday appointed two of their members for the purpose of visiting every house within the first district of this town, and to enquire into the present state of the health of the inhabitants.—This duty they pledge themselves was faithfully performed. The result of their enquiries was, that *fifteen* persons are confined by sickness of various descriptions within the limits of the first district.—That since the demise of Mrs. Fouch, who died on Wednesday the 2d instant at about 5 o' clock, A. M. no other death (to their knowledge) has occurred in the town, excepting a black boy belonging to Mr. John Jackson, and they understand that he had for some time past been in a declining state, owing to a pulmonary complaint, under which he had long suffered.

The committee feel it to be a duty further to state, that they do not know of more than 5 or 6 persons who may be considered dangerously ill of a malignant disease, and that these they found within the district which has been the principal seat of the distemper since its commencement.—From this infected spot the committee expect to be able to remove them to-morrow to a temporary but suitable building now erecting for their reception, in a remote and healthy part of the town, where medical aid and careful attention will be afforded them; and from whence they hope, with the blessing of a merciful and favouring Providence, they will soon return with their families and friends.

While the committee are conscious that there is just cause to congratulate their fellow citizens on the present favourable appearances, and the evident diminution in the progress of the disease, which has subjected them to such severe privations and anxious fears: yet they are of opinion that it would be most advisable for those who have removed, not to return until further notice.— Whenever the committee are of opinion that they may return with safety, they will lose no time in making it known. They earnestly recommend to all those who still continue in town, (as also to those who have removed,) that previous to their return, due care be taken to have their houses well cleansed and ventilated; and that all cellars, yards, &c. where stagnant water or other nuisances have existed, be removed, or the place filled up with good and wholesome earth.

ANDREW MERCIAN,
JOHN GARRISON,
BURDET STRYKER,
WILLIAM FURMAN.

BY THE MAYOR OF THE CITY OF
NEW YORK.

Whereas the board of health of the said city, have represented to me, that in consequence of the favorable state of health at Brooklyn, the intercourse with that place may be opened with safety.

I do therefore annul the proclamation issued by me on the second of August last—and do hereby authorise the renewal of the intercourse between the city of New York and the said town of Brooklyn.

In witness whereof I have hereunto subscribed my name, and affixed the seal of mayoralty, at the city of New York, the 27th September, 1809.

DEWITT CLINTON.

Mr. Benjamin Fine, of New York, on Monday last, caught a striped Bass, at Coenties-slip, which weighed seventeen pounds and a half.

New York, September 28, 1809.

At a meeting of the board of health *resolved*, that the resolution of this board of the 3d of August, prohibiting the loading of cotton on board of ships or vessels, unless within certain limits, be, and the same is hereby rescinded.

By order of the board.

J. MORTON, *Sec'y.*
September 27.

OBSERVATIONS ON THE WEATHER
AND DISEASES IN THE SUMMER
OF 1809, IN THE CITY OF NEW
YORK—BY DR. RICKETSON.

The first summer month began and continued cool till about the middle of it when the heat increased. On the 25th, the Mercury rose to upwards of 90 degrees, in a shaded situation, which was the hottest day noted on my table throughout the summer.

The second month of this season also commenced cool. On the 17th, 18th, and 19th, fell deluging rains, with the wind N. E. and the weather unusually cool, which continued so sometime afterward, and was judged a favorable circumstance to the health of the city. Many cellars and the under stories of some houses in the lower parts of the city, were nearly filled with water. Much damage was done in various parts of the country by wetting and washing away crops of grass and grain. The business of harvest was greatly protracted by the wetness, as well as the coolness and backwardness of the season.

The last summer month was generally cool and pleasant, with but few hot sultry days, such as are usually experienced in the dog days. Several mornings were almost cool enough for frost, which and even snow, it is said, actually appeared on the 9th in the N. W. part of this state. Frequent showers contributed to preserve that verdure in the vegetable kingdom, which the great rains of the preceding months occasioned.

There were very few hot uncomfortable nights during the whole summer. Hard thunder and lightning were frequent; and much damage was done thereby in different parts.

The diseases of the spring particularly Pleurisy and Rheumatism, continued to prevail during the first summer month, though less frequently than in that season.

Intermittent fevers, which appeared in the spring, increased in the early part of the summer, both in the city and its vicinity.

The prickly-heat, and various

other eruptive complaints, proved troublesome, not only among children, but some adults.

In the forepart of the second summer month, there was an evident increase of diseases of the bowels, such as diarrhæa, cholera, cholera and dysentery; some of which were undoubtedly occasioned or increased by the free use of unripe and raw fruit.

The cholera infantum, in particular, was severe; and many children died of it—I know not of many deaths of the dysentery.

Fevers which occurred earlier in the season in an intermittent form, now changed more to a remittent type; some of which were attended with symptoms highly inflammatory, and others with those called billious.

It was in this month that the adjacent town of Brooklyn, became sickly. An unusual number of cases and deaths occurred in a short time, and many of its inhabitants left the village. A general consternation took place, not only there, but extended to this city; and both of the public ferries between that place and this, were at length stopped.

In consequence of the above alarm, and of a few deaths which took place here, some of our citizens left the city, and others were about deserting it;—but a little time showed there was no epidemic sickness here; and that most of the cases which excited the alarm, were traced to having been at Brooklyn.

The other cases of malignant or yellow fever, which have occurred here this summer, and which were not traced to the above source, are, I think, to be considered as solitary instances

which may have appeared at other times and places.

I know of nothing more essentially different, to remark on the diseases of the last summer month, except that near the end of it, I saw a severe case of influenza, and several others partaking of it.

*No. 7 Cherry street, N. York,
8 Mo. 31st, 1809.*

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OBSERVATIONS ON THE WEATHER
AND DISEASES IN THE AUTUMN
OF 1809, IN THE CITY OF NEW
YORK—BY DR. RICKETSON.

The first fall month was unusually cool till past the middle of it; about which time, there appeared a little white frost. The latter part of the month was much warmer than the fore part and the middle of it.—The last week was fair, and particularly mild and pleasant. A considerable drought took place, there having fallen only one or two showers of rain in the whole month.—There was no equinoctial storm here; though it is said, there was much heavy wind at sea, which did a great deal of damage to shipping.

On the first day of the second autumnal month, Fahrenheit's Thermometer stood at 84°, and for several successive days, not much lower, which was a greater degree of heat than was experienced through much of the last summer. The drought mentioned in the last month, continued and increased till the 7th of this, when a plentiful rain fell, with the wind N. E. It cleared up warm, and continued so for several days after it. The weather was so warm until the middle of

the month, that summer clothes were most comfortable, and fire did not become necessary in parlours, and flies and moschetoës were very lively and troublesome. The drought was greater than I recollect, at this season of the year, since the summer and autumn of 1796, when it continued, in a considerable degree, till about mid-winter, as I well remember, and find noted in my Meteorological and Medical Journal of that year.

The last fall month was mostly cold throughout. On several mornings the Thermometer stood at 23°. There were several snows. The deepest was on the 24th, of about 10 inches.

The autumn passed with little or none of that appearance of the weather called Indian summer.

The diseases of the fore part of the autumn assumed the character of those which prevailed during the summer, particularly intermitting and remitting fevers; frequent cases of which occurred, more especially in the suburbs of the city, where causes disposing to those diseases often exist more than in the compact part of it.

During the unusual warmth and drought of the season, some eruptive affections were observed similar to those which occur in the heat of summer.

After the change which took place about the middle of the second fall month, there was a sudden increase of colds and catarrhal complaints, attended in some instances, with sore throats; and in others with most or all of the symptoms of influenza; which became somewhat epidemic, tho' far less so than in 1789 and 1807.

About the same time, many children were threatened with

symptoms of the croup; and not a few were actually seized with that disorder.

A few cases of scarlet fever appeared; but did not become general. The whooping cough has also prevailed. The intractable and tedious nature of this disease, when attacking at this season, is well known.

Many instances of typhus fever occurred throughout the autumn; and a considerable number of deaths took place of that disease.

*No. 7, Cherry street,
11 Mo. 30, 1809.*

On Monday in the forenoon of the 28th of August last, a man was found near the foot of a tree on the bank of Connecticut river, at a place called Hockanum, on the East-Hartford side of the river, opposite Bunce's (formerly called Keeney's) ferry in Wethersfield, killed by lightning on the evening of the 27th. He lay upon his back, his feet about eight feet from the westernmost shoot of the tree, (which was formed of two shoots from an ancient stump of a Button-wood, dividing at the ground and running very high,) his body inclining to the north east—he held in his left hand the stick of an umbrella, in his right a handkerchief of apples; at a small distance from his head lay his hat. On examination, there appeared a perforation in the hat between the crown and the brim, directly over the left temple when on the head. The metallic top of the umbrella was gone, a part where there was some solder was melted, the stick split, and part of it gone down to the insertion of the iron spring that elevates the

top, the silk mostly burned; the arm and hand that held the stick little injured; the handkerchief and apples uninjured. The stroke appeared to have taken place on the left temple, corresponding with the perforation in the hat.—Blood issued from the left ear and nostrils; the left cheek, the neck, shoulder, and breast, were crisped, and places across the body down the right thigh to the ankle. The right thigh of the pantaloons, which were woollen, was much torn, some of the pieces scattered to a distance. A silver watch which had been in the fob, was found at about eight or ten feet distance; the watch and case separated, though not essentially injured, save the china face being broken, and the chain melted or gone. The left leg of the pantaloons was not much torn, though several places on the limb were burned, and his shoes which were new were burst, and the quarters burned. The coat, except about the left shoulder and breast, not greatly damaged, though the gilding was melted from some of the buttons. The front of the vest, shirt, and cravat, which were of cotton, much burned. He had in his pocket a piece of bees-wax, which was not melted.

It appears that he took shelter under the western branch of the tree, the wind blowing from the south-east. The shaft, or rather column of lightning, (two persons that saw it strike the tree, one of them south-easterly, and the other south-westerly, from the tree, describe it, one of them as a ball of fire of the size of a two bushel basket—the other as about the size of a barrel) struck both branches of the tree near the top, on the easternmost branch, it fol-

lowed the grain of the wood, rending the bark in spots, to the ground; but no trace appears in the earth. It ran on the westernmost branch, within about twelve feet of the ground, to the stump of a limb which had been cut, about a foot from the trunk, when it left the trunk, and followed a sapling limb directly to the metallic top of the umbrella, which served as a conductor to destroy the holder. As he stood, and as from appearance the umbrella must have been held, it was in a proper situation to have attracted the electric fluid, and conducted it to the perforation in the hat, which would be about even with the iron spring in the handle. Near the place where the right foot stood, was a perforation in the earth, where the lightning spent itself. His face and neck were of a liver colour, which induced those who first found him to suppose, that he was a black man, but on examination he was found to be a white man, and by his friends (to whom his body and the articles were delivered) and others, recognised as the Mr. Jeremiah Williams whose death was mentioned a fortnight since in the *American Mercury*.

Louisville, (Ken.) Sept. 9.

It appears that the indispensable principles necessary to success in propelling a boat against a current by the agency of fire or steam, have been discovered, after much labor and expense by Messrs. Livingston and Fulton, of New York; they have proven that the failures heretofore have been occasioned by a want of ex-

act demonstrations of the mode of taking the purchase on the water, and the proportions and velocities which every part of the machinery should bear to the dimensions, intended velocity and resistance of the boat.

Those gentlemen have associated Mr. N. J. Roosevelt in their enterprise, to extend the utility of this invention to the waters of the Ohio and Mississippi—they intend to form two companies, one for the Ohio and the other for the Mississippi—they propose, provided certain indulgencies are granted, to build boats to be propelled by steam, which shall be capable of carrying each 70 tons of merchandise, produce or materials.

Mr. Roosevelt is now on a tour of observation from Pittsburgh to New Orleans, and has probably by this time reached the Mississippi; he is an intelligent gentleman, fully competent to the task of ascertaining in what measures the operation is practicable, and in his decision full confidence may be placed. He is well pleased with the Ohio.

Being confident of the practicability of surmounting the obstacles which have hitherto severely opposed our importations to this country by water—a view of the western country becomes truly interesting. The navigable waters of the Ohio and its branches, above the rapids, may be reasonably computed at 5000 miles.—This navigation is embraced by the most fertile shores, of equal extent, in the world: they measure 10,000 miles—partaking of the states of Kentucky, Virginia, Pennsylvania, New York, Ohio, and Indiana Territory. To evince the locality of this place [Rapids]

all those waters concentrate at the foot of the Rapids, and pass within the span of a pistol shot. At this point, the whole of the raw materials produced by the upper country, for exportation, may be manufactured as occasion may require and by the aid of Waterfall. This parallel of latitude divides two climates, in reality, which is demonstrated by the difference of productions within our neighborhood.—Cotton must not long descend the Ohio but ascend and be manufactured here, in sufficient quantity to supply the western country with that article.

New Jersey State Prison.

By the report of the committee to settle the accounts of this institution, it appears that its operations during the year ending the first of October, gave a balance in its favor of 854 dollars, 11 cents. The number of prisoners now confined is 68.

Canada, Quebec, Nov. 6.

On Saturday morning, at eight o'clock, arrived here from Montreal, being her first trip, the Steam Boat *Accommodation*, with ten passengers. She left Montreal on Wednesday, at 2 o'clock, so that her passage was sixty-six hours; thirty of which she was at anchor.

Georgetown, (District of Columbia) Sept. 7.

In sinking a well, at Mr. An-

thony Holmead's plantation, near this town, at the depth of fifty-four feet, the workmen struck upon a substance, which, on examination, appears to be charcoal intermixed with sulphur, and some metallic substance which gives it a shining appearance. The body of earth above these substances is clay of different kinds. The coal and sulphureous substances occupied from four to five feet in depth, after which the workmen came to a sandy bottom and water. Here of course their labours ended. Large pieces of coal intermixed with sulphur may be seen at this office. How came wood at such a depth in the earth: what turned it to charcoal; was the surface of the earth ever so low as fifty-four feet below the present surface; here is a wide field for conjecture. We shall not enter it at this time. But the facts we have stated may be depended on. Several respectable gentlemen from this town were eye witnesses of the circumstance, and have preserved specimens of the various substances for the inspection of the curious.

The legislature of Rhode Island, now in session, have appointed a committee of two members, to confer with a committee of the Massachusetts legislature, in order more accurately to ascertain the boundary of the state of Rhode Island.

Raleigh, N. C. October 26.

A very destructive disease has

been observed in the Pine woods of South Carolina, which is thus accounted for.—From July to October, pines are peculiarly liable to be attacked by a small bug, resembling the weevil in wheat, but thicker and more square in its shape.—These penetrate the outside bark of the tree, and deposit an egg in the inner bark which soon becomes a worm; feeds upon the inner rind of the bark, and, being commonly numerous, soon kill the tree. They seldom attack a sound tree, in the first instance, but, in the month of August, if a single sapling is cut down in the Piney Woods, or if a single pine is chopped, or in any manner wounded, it will often occasion the death of thousands of sound trees. The bug is strongly attracted by turpentine.

To avoid this destruction, therefore, it would be well not to fall pine trees in the summer; but, if necessary, let the parts left, as unfit for use, be immediately scorched with fire.

The same writer adds, that in those parts of the country where the pines are already destroyed, a growth of oaks, hickories, &c. if fire is kept out, will soon arise. The roots of these were already in the ground, and only kept from sprouting by the pines, which are an enemy to the underwood, but the pines being removed the underwood will then come forward.

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DESCRIPTION OF THE ROLLER,
USED ON THE NEW TURNPIKE
ROAD FROM BALTIMORE TO-
WARDS YORK.

The roller is cast iron, and weighs two tons, thirteen hundred and eight pounds, exclusive of the axletree, wedging, cleavices and hounds; the weight of all which, added together, makes the real pressure on the road equal to about three tons. It measures 3 feet 6½ inches in length, and two feet 5½ inches diameter. The weight of iron could not be conveniently procured at one blast; it is composed of five pieces; the outside one, or cylinder, is 2¾ inches thick, and weighs about 22cwt.; each of the other pieces fill one quarter, or angle, of the inner circle of the cylinder, and weighs about 8cwt. leaving a hollow square, each side of which is 11 inches, through the centre of which is passed a wrought iron axletree 2¾ inches square, wedged fast with gudgeons projecting 4 inches at either end of the roller, and turning with it.

The carriage is a pair of wheels somewhat smaller than the fore wheels of a waggon, shod with three inch tire, with a tongue and double gear. Through the axle tree of the carriage a strong body bolt, let through the end of the coupling pole, passes, and, as it is impossible to turn the roller in the ordinary way, this bolt is taken out, and the end of the coupling pole is passed over by hand, whilst the horses and carriage are taken round, and the coupling pole is again attached in the opposite direction.—The roller and carriage complete, cost 398 dollars 13 cents. It requires six horses and two men, at an expense of 6 to 8 dollars per day to use it.

It is put on the road immedi-

ately after the stone is broken, and passes over each part of the artificial surface four or five times; and oftener the better, especially if the stone with which the road is made be flint. The effect of rolling is, to make the surface even and fit to be travelled, almost without a covering of gravel, which would often cost per mile, as much as the whole cost of the roller and rolling; and gravel can seldom be obtained fit for the purpose; for if clay, or earth of any kind, abounds in it, it is manifestly of more injury than benefit to the turnpike. The rolling, presses down and binds the stone together, so that substances which might loosen the stones, cannot penetrate down between them; and the surface being even from the first using of the road, the horses have no temptation or guide to follow each other and form paths, whilst the compactness and hardness of the surface rolled, will longer resist the effect of the carriage wheels, and prevent ruts, which are the great enemies to good roads, from forming.

All that part of the York Road which was finished last year, and afterwards slightly gravelled, shows the immense advantage which the roller affords, and is pronounced by strangers of observation, to be the best turnpike road that has been made of similar materials.

The legislature of the state of Vermont, on the 30th day of October last, granted unto Robert Bowne, Isaac Clason, John A. Graham, and their associates, *An act of incorporation*, for the

purpose of digging, smelting, and refining, all gold, silver, lead and copper ores, for the term of 21 years from the first of January next, and for other purposes therein mentioned, constituting them and their successors a body politic and corporate, by the name and style of "*The Vermont Mining, Smelting, and Refining Company.*"

In the city of New York there is a society of ladies, incorporated for the purpose of relieving poor widows with small children. The almost unbounded charities of this society have been in operation for many years, and have been of immense advantage to the unfortunate of that city. By a report of the directors, dated the 8th instant it appears, "that the number of widows on the books of the managers since the 9th November, 1808, have been not less than 200, and the number of children full 600, besides others assisted in time of sickness, and other pressing necessity.

"That since the 9th November, 1808, there had been distributed to them 719 loads of wood, 441 pair of shoes, 1137 yards of flannel and woollen, for clothing, 482 yards of linen and cotton for ditto, 22 pair of stockings, 7 boys' hats, 15lbs yarn for stockings, 3 blankets, 3 shawls, 1 great coat, 1 pair of trowsers, 7695 lbs of meal, 101 lbs of rice, 31 lbs of candles, and to the sick 287 lbs of sugar, 245 lbs meat, 80 3-4 lbs of tea, 80 loaves of bread, 5 quarts wine, 4 1-2 lbs of butter, and 341 dolls. 67 cents,

part of which has been expended on other necessities for the sick, and partly given in money by vote of the board."

In digging on the 18th ultimo, the well at the salt works—about a mile and a half N. E. of Butler and thirty miles from Pittsburgh; *the grinder of a mammoth*, weight five pounds, and seven inches in length, was found four feet below the surface of the rock, among several fragments of bones much decayed.

The schooner Sarah, Milner, of Kingston, in Jamaica, was on her voyage from thence to this port, struck by a sword fish, about 12 o'clock in the night, being out three days. The sword penetrated through solid timber 13 inches thick, and protruding within the vessel upwards of 7 inches, passed into a tierce of coffee. He stuck until 7 o'clock the next morning, when he broke away, being severely wounded by strokes of the harpoon. The schooner being hove down yesterday the sword was found and extracted.

JAMES BADGER,
Mate of schooner Sarah, Milner.
Baltimore, 30th October, 1809.

Charleston, South Carolina, July
29th.

Last night during the storm, a large meteor, or ball of fire supposed to be about two feet in diameter, fell in Mr. Elfe's yard

in Boundary-street. Its explosion was tremendous, resembling that of a heavy piece of ordnance, and was succeeded by a strong, suffocating smell of sulphur, of about two minutes continuance. It met the earth with a violent shock, which was sensibly felt for a considerable distance round the spot where it fell.

From Marietta, (Ohio) October
14th.

A machine has lately been invented by M. B. Belknap, esq. for the purpose of making *hammered nails*. It is allowed by all who have seen it, gentlemen from Europe as well as Americans, to be an entirely new and a different combination of mechanical powers from any thing heretofore invented. Its operation is quick and powerful and well timed for the purpose, as any thing that can be conceived or wished. It will form nails or spikes of any description, from ship spikes to saddlers tacks.—Brads may also be formed with great expedition, by detaching that part of the machine which heads the nail. It goes through the operation of forming, cutting and heading a nail in two seconds. Two nails may be introduced at once and two nails of different sizes formed at the same time without impeding the operation of the machine.

Winchester, (Vir.) July 7th.

Within a few weeks past, a mine has been discovered on the

lands of Mr. William Davis, of Frederick county, Virginia, which from actual experiment, promises to yield an immense quantity of silver of the purest kind. The writer of this communication, has seen two specimens of silver, produced from this ore bank, which is pronounced by competent judges, to be as pure metal, as any in the world. It is said by the proprietors, that from two pounds and four ounces of the ore, they have produced the value of two dollars eighty seven and a half cents. From this calculation, it is expected, that every ton of ore, in its natural state, will yield about 1500 dollars. The proprietors expect to be able to melt down about a ton in weight, every 24 hours. The bank, it is believed, contains an almost inexhaustible quantity of ore. Mr. Daniel Vansice, is the gentleman who has made the chemical experiments, and has become a partner.—I this day heard him declare, that he would not take ten thousand dollars in cash, for his interest.

—
*Wilkesbarre, Luzerne County,
Pennsylvania, September 15th.*

Having heard a dispute some time since, respecting the width of the river, and height of the mountains opposite the borough, I have been induced to take a mathematical measurement of them, the result of which I send you for the gratification of those, whose curiosity leads them to enquiries of this kind.

The observations were taken

from the bank opposite Northampton street.

	<i>Yards,</i>
Distance to the top of the mountain, south east of the borough,	4685
Perpendicular height of the same,	305
Distance to the top of the mountain, north west of the borough,	5583
Perpendicular height of do.	227
Distance from the top of one mountain to the other,	10,103
Width of the river from the top of one bank to the other,	298
Elevation of the eastern bank above low water mark,	9
Average height of the mountains above low water mark,	275
Or 827 feet 3 inches.	

—
Amherst, New Hampshire, November 21.

On Wednesday, the 15th instant, while he and his wife were absent, a barn belonging to Mr. Abel Lakin, of Lyndeborough was consumed by fire. Two of his daughters, the one eight, and the other six years of age and a son of Mr. T. Lakin, aged ten years, perished in the flames.

The only information obtained relative to this distressing event is from a child of Mr. Abel Lakin, aged three years, who was the innocent incendiary, and who providentially escaped. It appears that the three elder chil-

M m

dren were in the upper part of the barn, and the youngest, who had a lighted torch, communicated fire to the hay in the lower part. The elder children, on discovering the barn in flames, directed the youngest to flee immediately to the house, while they would make their escape another way. But unfortunately that way was hedged up, and the devouring element in their rear, preventing their retreat, consigned them to inevitable destruction. On Friday their remains were interred, and the funeral ceremonies attended by a large concourse of people. A discourse, adapted to the occasion, was delivered by the Reverend Mr. Crosby.

We learn also, that on Friday morning last, a large building at Tynsborough, the property of Captain Samuel Butterfield, occupied as a Gristmill, Sawmill, and containing a Carding Machine, was destroyed by fire, occasioned by overheating the stove, the funnel of which was in contact with some part of the wood work of the building. The loss is said to be very considerable.

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New-Haven, Con. Oct. 25.

Last evening the Connecticut Academy of Arts and Sciences held their annual meeting in this city. The oration was delivered by Mr. Professor Day, before the Society and a respectable audience. His subject was the meteoric stones, which have, at different times, fallen from the atmosphere; a subject, which has

excited no small degree of interest, throughout this country, in consequence of the late fall of these stones, at Weston, in this state. Mr. Day first gave a succinct, but very interesting detail of the various showers of stones, of which we have any authentic accounts, within the last three centuries. From the evidence furnished by these accounts, he proved the actual fall of these bodies from the atmosphere, in so convincing a manner, that no one of his audience can withhold his belief of the fact, who is willing to yield his assent to *testimony*.—Whenever these showers have fallen in the night, they have been preceded by the appearance of a large luminous meteor, moving in a curve line through the heavens, with astonishing rapidity; growing brighter and brighter as it advanced; and suddenly vanishing from the sight. Soon after its disappearance, a loud report has uniformly been heard, through a great extent of country; and the body itself has in several instances been seen, at the same moment, by persons 200 miles apart. A violent presumption is thus afforded, that those showers which have fallen during the day, have been accompanied by similar meteors; but that, owing to the light of the sun, they have not been observed. Indeed one instance was mentioned in the oration, in which the meteor appeared in a bright sunshine; and yet with so much brilliancy as to occasion a very perceptible shadow. From mathematical calculation it appears, that these meteors are from a quarter of a mile to a mile in diameter; that they are from 40 to 180 miles distant from the

earth; and that they move with a velocity of, at least, 300 miles a minute. Mr. Day next stated the different hypotheses, by which the philopbers of Europe have endeavoured to account for this phenomenon; and shewed by the results of calculations, abstruse in their nature, but, as stated by him, remarkably clear and satisfactory, that these stones could not have been formed in the atmosphere, and that, if formed there, they could not have received from it their very rapid motion; that they could not have been thrown from volcanoes on the earth; and that they could not have been projected from mountains in the moon.

No other theory has been offered to the public, except that of the late President Clap of Yale College. This respectable man was educated at a period when the arts and sciences were not very extensively cultivated in this country; and when hardly a motive was presented to the student to make any considerable attainments. The attainments which he actually made, however, bore honorable testimony to his industry, and his love of science; and prove him to have been a man who, under happier auspices, might have claimed a full equality with most of the distinguished men in the two last centuries. He appears to have been unacquainted with the fall of stones from the atmosphere, and to have formed his theory merely to account for the appearance of the meteors, which have been mentioned as occasionally seen passing through it. He supposes the earth, like the sun, attended by its own proper system of comets, proportioned in their size to their primary, and moving about it in very

elliptical orbits. It is believed when these bodies in their perigee, pass through the atmosphere, that, in consequence of its resistance, parts of them are broken off, and that these fragments are the meteoric stones.

The style of the oration was neat and perspicuous, and the marked attention of a very respectable audience, during the whole of its delivery, proved their estimation of its worth.

The Society made choice of the following officers for the ensuing year.

President,

Rev. Timothy Dwight, D. D.

First Vice President,

His Ex. John Treadwell, L.L.D.

Second Vice President,

Hon. David Humphreys, L.L.D.

Counsellors,

Hon. Chauncey Goodrich,
Rev. James Dana, D. D.
Rev. Abraham Jarvis, D. D.
Rev. Bela Hubbard, D. D.
Hon. John C. Smith.

Corresponding Secretaries,

Enoch Perkins, Esq.
Hon. David Daggett,
Barzillai Slosson, Esq.

Recording Secretary,

Mr. Jeremiah Day.

Treasurer,

Stephen Twining, Esq.

Keeper of the Cabinet,

Benjamin Silliman, Esq.

Committee of Publications,
 Rev. Timothy Dwight, D. D.
 Noah Webster, Esq.
 Benjamin Silliman, Esq.

Professor Kingsley is appointed first Orator, and Mr. Sereno E. Dwight second Orator for the next annual meeting.

A STATEMENT, FROM THE UNITED STATES LAND OFFICE RETURNS FOR 1809.

For a blank leaf in Blodget's Statistical Manual.

<i>Annual sales of public lands, since opening the United States Land offices.</i>				<i>Total sales per annual official returns.</i>	
Years.	Acres sold.	Purchase money.	Payments in each year.	Total acres sold.	Total amount of sales in dolls.
1803	199,080	398,161	\$245,999	919,724	\$2,248,509
1804	373,611	772,851	431,029	1,293,335	3,020,390
1805	619,266	1,235,953	575,859	1,912,602	4,265,313
1806	473,211	1,001,358	850,106	2,385,813	4,957,255
1807	284,180	588,610	680,861	2,669,994	5,547,865
1808	195,579	433,444	545,077	2,865,573	5,981,310
1809	143,409	355,783	484,752	3,008,982	6,337,093

N. B. The public sales at New York and Lake Erie lands, paid for in certificates of public debt, are not included in the above return.

The public lands yet for sale, exceed 650 millions of acres.

There is now living in Augusta, (Kennebeck) a man by the name of John Gilley, who by the best information, has attained the extraordinary age of one hundred and nineteen years. He was born in the county of Cork, in Ireland, and emigrated to this country at about the age of 60. He was a bachelor till between 70 and 80, at which time he married a young woman of about 18, who still lives with him. He has always been a laboring man. His living has been upon solid food. He never had any sickness, or suffered pain but from violence or wounds. He retains to this day his faculties of mind, and considerable bodily

strength. He is of low stature, perfectly erect, and of a good countenance though deeply furrowed; he cuts wood, tends his barn, and performs other light labor, and not unfrequently walks six miles in a day. Such were his bodily condition and his habits in 1806, when our informant saw him; and he has heard of him, within a few days, and that no apparent changes have taken place in him.

Nashville, June 16.

Arrived at this place on Satur-

day last the elegant barge Mary Anne, captain Sprigg, 87 days from New Orleans, burthen 75 tons. This barge is 87 feet long, and upwards of 60 wide. She was built at Cincinnati in Ohio, and was purchased by the present owner at New Orleans, who gave \$1100 for her, and since has had her completely equipped with mast, spars and rigging, and is an excellent sailer; she was worked up by 22 hands. The amount of freight was upwards of \$5000. The safety with which this barge came up the Cumberland, convinces us at once, that with a small expense the Cumberland river might be made navigable for boats of 100 tons, as far up as this place.

use of fire arms. View the scene which took place in the above case, and similar to the too frequent cases of like nature—There were several persons in the house; the mother in an adjoining room, hearing the tremendous roar of a gun in the midst of her family, succeeded by the shrieks of those present, exclaimed, "somebody is killed, who is it?" She was answered in a frantic tone, "It is your son." She was met in a cloud of smoke by the agent, with the lifeless boy in his arms; his head hanging down with large streams of blood pouring therefrom. The parental agonies in such cases, will admit of no description or consolation.

Winchester, Connecticut, November 25.

On Monday the 23d of October last, Ira Sweet, being in the house of Mr. George Tuttle, of Winchester, who was his neighbor and intimate friend, took a musket into his hand, which was in the room, and having sat down in a chair, laid the musket across his knees, he then opened the pan, as he says, and seeing no powder therein, imprudently cocked and snapped the piece, which discharged its contents, (being loaded with common shot) thro' the neck and lower part of the head of a sprightly boy, three years and five months old, the son of Mr. Tuttle, and who sat within a few feet of the muzzle—An instant period was put to his life.

On the recital of such shocking occurrences, it is the duty of all people to consider the consequences of the common heedless

Fort Wayne, October 3.

A treaty was concluded at this place, on the 30th ult. by his excellency William Henry Harrison, governor of the Indiana Territory, and commissioner on the part of the United States with the Miamies, Potawatimies, and Eel River tribes of Indians; by which they have ceded to the United States a tract of land on both sides of the Wabash river, extending from the land heretofore owned by the United States around Vincennes, up to within twelve miles of the mouth of Vermillion river. They also ceded by the same treaty a tract of twelve miles wide, extending along the former boundary line, established by the treaty of Greenville, as high up as Fort Recovery.

The foregoing cessions are computed at 2,600,000 acres, and contain some of the finest land in the United States.

A cotton manufactory is now erecting at Providence, (Rhode-Island) by Mr. Seth Wheaton.—Ten thousand spindles are expected to be put at once in operation. The building which contains the machinery is of stone, 211 feet long, 40 wide, with six floors.

and promotes vegetation. The clover naturally springing up from this manure is better for cattle generally, and particularly milch cows, than any other kind of grass.

Alexandria, Sept. 20, 1809.

January 8th.

The house of delegates of Maryland have passed an act which imposes a tax of one-quarter per centum on the capital stock of banks and insurance companies, for the establishment and maintenance of schools for the education of the poor throughout the state.

MARL.

A valuable bed of Marl has been opened on the Bay Shore and banks of the Shrewsbury river—and is said to be equal if not superior to any manure ever made use of in this country. On the sea-coast, where the plaister of Paris is inefficacious, marl will be found a substitute equal if not superior, and will produce in every situation of place that fertility of soil which is the consequence of the use of plaister in the interior; and possessing a further important advantage, viz. that when ever properly applied it is almost permanent in its effects. The mode of manuring with marl is, to put it in small heaps on the land in the fall season; by the frost and rain of the ensuing winter it becomes prepared for use, and being strewed over the ground in the spring, enriches the soil

Flour inspected in the town of Alexandria for the quarter ending the 11th of June, 1809.

61,341 barrels of flour.

3,767 half barrels flour.

AMOS ALEXANDER,
Flour Inspector.

Flour inspected in the town of Alexandria for the quarter ending the 11th September, 1809.

27,221 barrels of flour.

1,990 half barrels flour.

AMOS ALEXANDER,
Flour Inspector.

18,842 barrels of flour were inspected at Richmond, Virginia, during the three months ending the 7th ult.

Mr. Thos. Collins's salt works, is the only establishment of the kind in Pennsylvania, and promises to be of the greatest public utility.

The saline water rises in the bed of Connequenessing creek, (one mile east of the town of Butler, and thirty miles from Pittsburg) in a variety of places. The bottom of the creek is a porous concrete, which when exposed to the atmosphere becomes friable.—In this the water is collected by sinking a well.

The works, as yet in infancy, consist of one furnace, of 24 kettles of 32 gallons each, heated by stone coal, with which the neighbourhood abounds. One small well, of capacity to keep 50 kettles in constant operation—also pipes, cistern, shed over the furnace, house for workmen, &c.

Another well is almost completed, which will be twelve feet in diameter and forty-five feet in depth, and is to be lined with plank well caulked, and secured against the fresh water—the whole protected from floods, by solid frames filled in with tough clay, and elevated above high water mark. The water supplied by this well, will it is believed, be inexhaustible, and when completed, supply two hundred or more kettles.

By means of the twenty-four kettles, five bushels of salt are made in twenty-four hours. Two men pump the water, attend the fire and kettles, and grain and dry the salt—and a cart supplies fuel.

—
Trenton, October 23.

On Tuesday last the sale of the stock of the late JOSEPH CAPNER, of Flemington, New Jersey, took place, and was numerously attended by farmers from Pennsylvania, and various parts of this state. Mr. Capner, as is well known, had attended particularly to the improvement of sheep, and had succeeded to a degree highly honorable to himself and beneficial to the country at large, by means of crosses between the *Leicester* or *Dishley* Rams and our native Ewes. He had for three years

successively hired tups—the first year at 200 dollars the season, and the two last at 150; and his flock exhibited as fine a collection as any country could boast of in the same space of time.—The disposition to fatten, the docility, and beauty of form, are peculiar characteristics of the Dishley breed. The wool, although not so fine as the *Silkey Merino* is of that class called Combing, and is indispensable for worsted, and in various articles of dress, and and may be greatly improved by a judicious selection of ewes. Our farmers are beginning to be generally sensible of the great value of this breed, as the following list of prices which were here obtained will shew. We apprehend no sale of sheep of equal amount has ever been made in this country. We understand that seven of the full-blooded rams have been let this season, for 150 dollars per piece, to farmers in various parts of this state and in Pennsylvania.

		D. C.	D. C.
4 sheep (ewes)	at	16,00	64,00
4 do.	at	16,00	64,00
4 do.	at	16,50	66,00
4 do.	at	20,30	81,20
4 do.	at	8,80	35,20
4 do.	at	16,00	64,00
4 do.	at	7,30	29,20
4 do.	at	9,60	38,40
4 do.	at	7,25	29,00
4 do.	at	7,00	28,00
5 do.	at	7,25	36,25
5 do.	at	7,00	35,00
5 lambs	at	12,20	61,00
5 do.	at	12,75	63,75
5 do.	at	7,85	39,25
5 do.	at	9,50	47,50
5 do.	at	7,90	39,50
23 wedders	at	4,60	105,80
—			
98 sheep and lambs			\$927,05

Boston, August 21.

Under the impression of anxiety lately experienced from a number of cases of Small Pox having occurred in the neighbourhood of Boston, the selectmen of Milton called a special town meeting on the 8th July, to take into consideration the propriety of a general inoculation, with the Cow Pock, within their town. A committee was appointed to attend to the business, and on Sunday 16th July, an address to the inhabitants was read after divine service by the Rev. Mr. Gile, accompanied with certificates establishing the safety of the practice, benevolently granted by a number of eminent physicians in Boston, Cambridge and Milton.—They established that full confidence which could have been anticipated from the respectability of the names affixed to them, and the inhabitants cheerfully attended the inoculation, which took place on the 20th July and following days, under the care of Dr. Amos HOLBROOK, and attended by one selectman and the committee; the result of which was as follows:

337—total number inoculated, of all ages, from two months to upwards of seventy years, being more than one fourth of the whole population of the town, and with few exceptions the whole of the individuals liable to the small-pox.

With the exception of about eight cases where the symptoms have appeared strongly marked and necessitated the individuals to lay by, and give up their usual employments for a day or two; all the others have been so mildly affected as to have been able to attend without any interruption to

the busy and laborious calls of the season; and in fifteen days from the commencement of the process, the whole was happily terminated.

It is remarkable that amongst that large number of both sexes and all ages no accidental sickness has taken place during the course of their vaccination.

It is in contemplation to open a town register into which the names of all the individuals who have gone regularly through the disease shall be recorded.

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The longitude of St. Michael's Church steeple in the City of Charleston, South-Carolina, found by three different astronomers, all of whom are very positive as to the accuracy of their calculations:

Mr. Adams makes it 79. 55. west of Greenwich.

Mr. North, do. 79. 48. do.

Mr. Ruddock, do. 79. 53. do.

The mean of the three calculators is 79. 53. west, which may be considered not far from the true position of the above mentioned place. The latitude of the same place is 32. 46 north.

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Mr. James Kerr, of the neighborhood of Chambersburg, Penn. lately discovered in the heart of an oak tree he was splitting up to make shingles of, *a live frog!* From the growths of the tree, around the small cavity which contained this little animal, it is evident, that it had remained there confined, without the possibility of receiving either air or food, for ninety two years! The tree shewed no signs of decay, except

that the cavity (which was barely sufficient to contain its prisoner) was somewhat the colour of the frog. When first taken out, it appeared to be dead, but in a short time gave signs of life, and hopped.

The diving bell at Buckstown, Maine, continues to be successfully employed in raising articles from the ordnance brig, which we understand, lies in 60 feet of water. The bell, which takes its name from its shape, is sufficiently large to contain two persons with ease. It is sunk with weights, and hoisted on a signal. The sides and top are perfectly tight; but it has no bottom, the air keeping out the water. The persons who go down are supported on seats, till it descends to its object, they then proceed to work. The bell is accommodated with windows; and contains air sufficient to sustain a person one hour and 30 minutes. Sub-aqueous visits are often made by citizens of the towns on the banks of the Penobscot, for their amusement.

Raleigh, N. C. July 13.

It has never fallen to our lot to record a more tragical occurrence than the following, which took place in Halifax county on the 5th instant. A young man in that county of the name of William Parker, had for two or three years paid his addresses to a Miss Dolly Griffin, and the marriage of the parties was expected; recently however Miss G. had discarded him. On the 5th they, with some

other company, dined at Mrs. Harris's, where Parker behaved towards Miss G. with some rudeness.—His conduct and some expressions which fell from him excited her suspicions that he meditated some serious mischief, and she invited two of her female friends to accompany her home. When they had nearly reached her mother's, Parker came out suddenly from an angle of the fence and presenting a gun at Miss G. shot her through the arm and lodged the contents in her side. She fell instantly, and the horses rode by the other young ladies being frightened, they were also thrown. Parker then began very deliberately to reload his gun—the young ladies, bereft by their fears of the power either of flight or resistance, entreated him not to kill them. He told them he had no such intention, that he was then loading for himself, and asked one of them for a corner of her shawl for wadding, which he tore off. When he had finished loading, he placed the muzzle to his breast and sprung the trigger with his foot, it missed fire; he then pecked the flint, and on the second attempt the load entered his breast—he tottered to the fence, against which he leaned in much agony, and desired the young ladies to pray for him; he then walked towards the dying Miss Griffin, and fell beside her. Both expired in a few moments.

Miss Griffin was a young woman of merit and the only child of a widowed mother, who heard the cries and firing, and came to the place just in time to see her daughter expire. Parker was notorious for possessing a violent and ungovernable temper.

Importations into Liverpool from America, from the 1st of January last, to this day, the 2d of September, 1809, inclusive.

Cotton,	164,984 bags
Rice,	16,122 tierces.
Ditto,	2,122 barrels.
Tobacco,	6,753 hhds.
Flour,	147,285 barrels.
Ditto,	5,978 half do.
Wheat,	186,887 bushels.
Ashes,	17,590 barrels.
Turpentine,	22,217 barrels.
Rosin,	1,276 do.
Pitch,	438 do.
Tar,	25,166 do.

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Richmond, Virginia, Nov. 10.

On Tuesday last, the corner stone of the Richmond Academy was laid in the presence of a number of spectators. The procession marched from the capitol in the following order:—The Rifle band of music; the society of free masons, with the stone and the emblems of their craft; the governor and council of state; the mayor and corporate body of the city: Messrs. Gerandin, Wood and Doyle, at the head of their numerous pupils; and the citizens.—When they arrived at the foundations of the building, the corner stone was laid at the east angle by the society of free masons, and the inscription on the plate and a masonic prayer to the fountain of grace were read by the governor, amidst sympathizing wishes for the prosperity of the rising institution.

A small silver plate was imbedded in the corner stone, with the following inscription upon it:

DEDICATED

To the Education of Youth and to the diffusion of useful knowledge, as the sure basis of perpetuating the

FREE GOVERNMENT

At present enjoyed by this happy Country.

THIS CORNER STONE

Was laid on the 7th November, A. D. 1809,

During the administration of JOHN TYLER,

Governor of the Commonwealth, who personally attended with

THE COUNCIL OF STATE,

The Mayor and Corporate body of Richmond,

The Society of Free Masons and a number of Citizens.

The Institution governed by twenty-four trustees.

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Through the liberality of the government of the state of Ohio, a University has lately been established at Athens, on the Hocking river in that state. The languages, natural and moral philosophy, rhetoric, &c. &c. are taught at very moderate prices. Two townships of land have been reserved and appropriated for the support of this institution.

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SMITH'S ISLAND SHEEP.

But few persons have more zealously contributed to the advancement of American agriculture and manufactures than G. W. Custis. In a late tract, which this gentleman has published with a view to promote these objects, we have a minute account of the

sheep on Smith's island. This island lies off the eastern coast of Virginia, and contains between 3 and 4000 acres. On the island there were lately between 5 and 600 sheep, which were perfectly wild; and are supposed to have originated from the common sheep of the country, which were placed on the island about 20 years ago. The change which has been produced in the quality of the fleece during this period, and which is attributed to the situation, climate and pasturage, is said to be astonishing. In fineness, Mr. Custis thinks this wool superior to any in the world; while it is longer than the Merino wool, being when full grown from five to nine inches in length, and sometimes more. In quantity, he states it to be vastly superior, as the sheep yield twice as much, and in some instances more. They are generally sheared twice a year, for which purpose they are taken by strata-gem. Mr. C's account of these sheep, affords many useful hints to the breeder of this valuable animal.

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Salem, Massachusetts, December 22d, 1809.

The supreme judicial court closed its session in this town yesterday.

On Wednesday, a criminal cause was tried, extremely interesting to the community at large. It was that of an itinerant doctor Thompson, for the murder of Ezra Lovett, of Beverly, in January last, by administering to him, as medicine, frequent potions of a powerful and active

poison called lobelia, after he had been reduced by repeated pukes and sweatings to a state of great weakness. The testimony respecting the treatment of the patient by the doctor was shocking to the feelings of the audience, and must operate as a caution to the public against the employment of mere pretenders to medicine. This, however, was a case which it seems the law could not reach, or at least in the form in which it was brought forward in the indictment, and the jury consequently found a verdict of acquittal.

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It is considered by the greatest cotton manufacturing house in Providence, R. I. that the consumption of 1809 in the mills within 15 miles of that town, is 15,000 lbs. per week, or 780,000 lbs. per annum. They add that the consumption of 1810, will be 20,000 lbs. per week, or 1,040,000 lbs. per annum. This will make two summer pantaloons, and two summer coatees for 200,000 men. The value will be 1,000,000 of dollars, at the wholesale cash price of the stuff only. To a country of 30 miles square, this is a serious matter for subsistence, and profit. The works of this house only (the greatest in that district) employ in various ways, 1000 persons.

—
THE NEW LUNATIC ASYLUM IN
NEW YORK.

This noble edifice is ninety feet long. The width of the wings sixty five feet, and of the

central part forty. Its walls are sand stone and granite, and correspond with those of the main building, of which it may be considered as an appendage. It is fire proof from bottom to top.—It consists of four stories, reckoning the ground floor. It contains about sixty separate cells.—Four of these are of large size, and ten of a second rate. The rest are single rooms, forty-five in number, and admirably adapted to their purpose. They are sufficiently airy for the most complete ventilation. Their walls are lime washed without being plaistered. They are warmed in such a manner, that the patient, while he receives the benefit of the fire, can neither burn himself, nor the chamber in which he is confined.

Persons of all conditions, whether affluent or indigent, may be accommodated, according to their respective situations in life. The cells are made strong, and the confinement rigorous in proportion to the violence of mental derangement, and the corresponding bodily disorder. Care is taken also to sever the servants of the house who attend the kitchen and laundry from all communication with the patients. None are to be admitted to them but the needful and proper attendants. It is intended to place the maniacs who are received into this asylum under the care of a special physician. It will be expected of him that he should study the various forms of insanity with the strictest attention : and by a steady perseverance in that pursuit, it may be reasonably hoped he will acquire more than usual knowledge of mental diseases. Where consultations shall be necessary,

the consulting physicians of the New York hospital will also be the medical counsellors of the lunatic asylum. On the sixteenth of June, 1808, Archibald Bruce, M. D. was appointed the physician.

This building was erected at an expense of at least fifty thousand dollars. Its architecture is well suited to the intended purpose, both as to the design and execution. Its object is to relieve mankind from one of the heaviest afflictions of life. And it may be affirmed with truth, that the lunatic asylum of New York does honour to the city in which it stands, and the country to which it belongs. The eye is not offended in this institution with the sight of padlocks and bolts, nor the ear by the rattling of fetters and chains. And it is believed that the proper discipline can be established among the maniacs without the use of the whip. A report will be made annually of the state of the lunatic asylum, and of all the patients it contains. This will have the desirable effect of giving information to families and the public concerning the individuals who are the objects of its beneficence, and of the success which may attend the attempts to mitigate the hardships of lunacy.

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Washington City, November 1.

The United States have, at this time, in commission, the following vessels of war:—

Frigates.

Constitution, Com. Rodgers,

President, Capt. Bainbridge,
United States, Capt. Decatur,
Essex, Capt. Smith.

Fryeburg, Massachusetts, July 5th
1809.

Ship.

John Adams, Capt. Evans.

Brigs,

Siren,	Capt. Gordon,
Argus,	Lt. Jones,
Hornet,	Lt. Hunt,
Ship Wasp,	Lt. Laurence,
Brig Vixen,	Lt. Ludlow,
Schr. Enterprise,	Lt. Trippe,
Brig Nautilus,	Lt. Sinclair,
Cutter Ferret,	Lt. Gadsden,

About twenty gun boats and
bombs at New Orleans.

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Portland, Maine, September 2.

A number of gentlemen of this and other towns met at the court house on Wednesday, 30th ultimo, and formed themselves into a "*Bible Society for the district of Maine*," and then adjourned to meet at the same place on Tuesday the 12th instant at 4 o'clock P. M. to choose officers and establish regulations.

Captain Joseph Ingraham, Samuel Freeman, esq. Reverend Asa Lyman, and Robert Boyd, of Portland, Ammi R. Mitchell, esq. of North Yarmouth, Reverend Caleb Bradley, of Falmouth, and the Reverend Timothy Hillard, of Gorham, were appointed a committee to obtain subscribers.

One night last week, a young man, by the name of Isaac Chandler, residing in Fryeburg, got up in his sleep, went about half a mile to a neighbour's barn, procured a cord and a bundle of hay and carried them into the woods at a considerable distance from the house. He then ascended a maple tree with the cord and hay. After reaching the height of twenty-eight feet, he placed the hay in a crotch of the tree, ascended about six feet higher, tied the cord to a limb and then fastened it round his ancles, after which he swung off, head foremost, so that his head touched the top of the hay. In this horrid situation he awoke, and with his cries, roused the nearest neighbours, who directed their course to the place from whence the noise proceeded. —It was about break of day when they arrived. They there to their astonishment found the young man in the situation described, suspended by the heels 34 feet in the air. A number of attempts were made to climb the tree in order to extricate him, but it being large, without many limbs near the bottom, and the bark smooth, they proved ineffectual, and he after becoming composed enough to relieve his situation, recovered his former posture on the limb from which he made his descent, loosened the cord, and came down very much to the satisfaction of himself and friends. —Since the above took place he has been confined to his house, in consequence of the lameness occasioned by the great exertions he

must have made, in accomplishing so curious a midnight enterprise. There are more than twenty who can attest to the foregoing relation as being strictly true.

INCREASE OF THE RELIGIOUS
SOCIETY OF PEOPLE CALLED
METHODISTS.

We have received the minutes of the different conferences of the society for the year 1809, from which we make the following extract :

<i>Conferences.</i>	<i>Whites.</i>	<i>People of Colour.</i>
Western,	17,931	4,117
Southern,	17,344	6,284
Virginia,	18,502	5,739
Baltimore,	18,272	4,200
Philadelphia,	26,365	10,534
New York,	22,717	937
New England,	10,023	73
<hr/>		
Whites,	131,154	31,884
Peo. of color,	31,884	
<hr/>		
Total,	163,038	
Total last year	151,994	
<hr/>		
Increase this year,	11,044.	

county about six miles above Lexington. It commenced with loud claps of thunder and heavy rain, and was succeeded by volleys of hail, of full as large a size as partridge eggs, one of which I measured about half an hour after the storm was over, which measured four inches round. About an hour after I took a walk thro' my meadow, and the ground was then perfectly covered with hail stones, and along the bottom there was a bank of hail stones, driven together by the surge of the water fifteen steps long, and from fifteen to eighteen inches deep, and this morning it is from nine to twelve inches deep. There is a sink in my cornfield, out of which I think I could now gather upwards of one hundred bushels of hailstone, brought in by the water. The corn blades are completely destroyed; the cattle in the woods and pastures at the time ran home for shelter. There was no other damage that I can discover, only that our buckwheat is completely destroyed. How far the hail continued I have not heard, only that to the N. W. about two miles from me there was almost none, and one mile to the N. E. the dust was not laid.

EXTRACT OF A LETTER, DATED,

*Rockbridge county, Virginia. Sep-
tember 21st, 1809.*

Yesterday between 4 and 5 o' clock in the afternoon, there was one of the most severe hail storms that I ever saw, at my farm, which is situated in Rockbridge

Hubbardton, Vermont, April 25.

On saturday last Mr. Stephen W. Dana exhibited a waggon, constructed on his new improvement in wheel carriages (the right of which is secured to him by letters patent) to a large number of the most respectable citi-

zens and mechanics of this and the neighbouring towns, who unanimously concurred in giving their opinion, that the improvement will be highly useful; and feeling, under these impressions, a sincere desire to give publicity, to the scheme, which they have no doubt, will be of great utility to their fellow citizens of this and the United States.

Having assembled at the house of Mr. Lewis Drewry, they appointed Elisha Walker esq. Captain Seth Wallis, James Whelpley, esq. Captain David Barber, Mr. Samuel Parsons, the noted mill-right and mechanic, Mr. Lewis Drury, Mr. Abner Ashley Mr. Elisha Herrick, gun-smith who principally made the iron work, and others whose names are hereunto subscribed, a committee in their behalf, to inspect, describe and report their opinion, with respect to the advantages or disadvantages of the improvement aforesaid.

In compliance with which, the committee report—

That this new improvement, in the constructing of all kinds of wheel carriages, consists in fixing an iron or metallic axle-tree to each wheel, which turns with the wheel in its revolutions. These axle-trees are driven thro' the hub or nave of each wheel in its centre; the part within the hub being square of such form as to prevent its turning in the hub or nave. From the wheel this axle-tree extends under the bolster or body, to near its centre, where one end rests in a centre box of metal, properly secured. —That part of the axle-tree which lies near the wheel is supported by and turns in another metal box, through it passes, and

which is firmly secured to the bolster or body, by a strap of iron going under the box and round the bolster.

Hence each of the wheels, having its own revolving axle, the inner end of which turns under the centre of the bolster or body they can turn independently of each other, and every way, and the line of the axle-tree may have any required degree of inclination, by elevating or depressing the centre box—the axle-tree is prevented by a key let therein, from being forced out of its proper position by the motion of the carriage. There are conducting passages or holes cast in the boxes, for the purpose of introducing on or any proper matter for lessening the friction.

After carefully viewing, driving, and trying this carriage, we submit as our opinion, the superiority of this manner of fixing the wheels of carriages, over those of general use, that they will run easier in proportion to the lessened degree of friction in the boxes, one end of the axle turning merely as a pivot, the other turning and resting in a box of less surface than usual. Other advantages arises from the steadiness with which the wheels will run when thus supported. By the solidity of the centre of the hub or wheel, they will acquire a superiority of strength over the hollow ones in general use, and the little liability there is of their getting out of repair; the much greater strength in the axle from the same thickness of metal; and the boxes lying under the carriage, are completely sheltered from dirt and gravel; and that by enlarging or lessening the boxes and axles they may serve for all kinds of

carriages of any strength and force. And we further state, that after a careful attention to the whole, our minds do not apprehend any inconveniences in this manner of constructing wheel carriages: under these impressions we submit the whole.

JAMES WHELPLEY,
ELISHA WALKER,
ABNER ASHLEY,
SETH WALLIS,
ELIJAH HERRICK,
LEWIS DREWRY,
DAVID BARBER,
SAMUEL PARSONS,
CHARLES BROWN,
BENJAMIN SELLECK,
DAVID DAVIS.

3235 pounds butter,
165 ditto cheese,
200 ditto bees wax,
400 ditto hams,
308 pieces nankeen,
19 scythes,
90 gallons oil,
292,000 feet square pine,
36,000 do. do. oak,
607,050 do. pine plank,
5,000 pine boards,
5,000 shingles,
1000 butts,
50,155 pipe staves,
403 spars,
65,000 hhds staves,
2,000 handspikes,
1050 oars,
2,040 feet mahogany boards,
2,400 pounds logwood,
20 masts,

—
Montreal, July 7th.

Dutiable Articles.

IMPORTS AND EXPORTS FROM
THE PORT OF ST. JOHN'S, FOR
THE QUARTER ENDING 5TH
JULY, 1809.

Inward.

6208*l.* 15*s.* 5*d.* Merchandise valued at, and

2069 barrels pot ash,
16 ditto flour,
128 ditto pork,
7790 pounds sole leather,
490 hat bodies,
191 mens' boots,
39 barrels tar,
3065 mens' shoes,
110 saddles,
550 lbs. chocolate,
99 barrels rosin,
350 wt. hogs' lard,
40 gallons lime juice,
7 oxen,
3 horses,
8 sheep,

2,600 pounds Indigo,
36,670 do. leaf tobacco,
11,974 do. manufactured tobacco,
765 do. of coffee,
33,704 do. hyson skin tea,
1,025 do. single,
770 do. souchong.
In all 35,499 pounds.

Outward.

4415*l.* 3*s.* 6*d.* Merchandise valued at, and

1098 barrels fish,
3 puncheons fish,
24 gallons oil,
59 bushels salt,
700 martin skins,
4507 bear skins,
2515 beaver skins,
20600 muskrat do.
638 fox do,
500 cat do.
50 calves do.
30 foreign spirits.

MEDICAL.

At the late meeting of the eastern district of the New Hampshire medical society, the following communication was read :

The underwritten has the honor to exhibit to the eastern district of the New Hampshire medical society specimens of gum opium and extract of opium, manufactured by himself from the *papaver somniferum linne*, or the white poppy. The seed was obtained from professor Peck, and sown as early in April as the season would admit. The plants grew luxuriantly ; soon after the flowers had fallen and at the time when the capsule was fully formed (while the plant was yet in the most luxuriant vegetation) longitudinal incisions were made in the heads at evening, and the milky juice collected the next morning. This was evaporated to a pilular consistence in a tea-saucer, making the purest of Gum Opium, and is that which is now exhibited to the society.

The extract of Opium is much the same as that exhibited to the society last year, excepting that neither water nor spirit was made use of to obtain a greater quantity of extract, being satisfied, that by washing you obtain little else than the coloring matter of the plant.

One specimen of the extract of opium was made from the heads of the poppy only ; the relative strength of this and that made from the leaves, stalks and heads indiscriminately, has not been as yet ascertained.

The underwritten has the honor to present to the society a quantity of the seed of the *Papaver Somniferum*, and will be hap-

py to present it to any gentleman who will take the trouble to call or send for it.

L. SPALDING.

Portsmouth, Sept. 6, 1809.

—

The subscribers, desirous of extending the knowledge of the Holy Scriptures, in which God has revealed the way of salvation to our lost and ruined race, and being persuaded that a more extensive distribution of them, among persons who are destitute of them, will have, by the divine blessing, most beneficial effects, have formed themselves into a Society, to be called "*The New York Bible Society*," of which the constitution shall be as follows:—

1. All copies of the Scriptures, distributed or published by this Society, shall be without notes, and of the version in common use among Protestants, in whose languages, respectively, it may be deemed useful to distribute or publish them.

2. Persons of every denomination may become members.

3. Every member shall pay 5 dollars at the time of subscribing the constitution, and three dollars every year afterwards.—Every person who shall pay fifty dollars in any single payment, shall be a member during life, without any further contribution.

4. The business of the Society shall be conducted by twenty-four managers, viz. a President, two Vice-Presidents, two Secretaries, a Treasurer, and eighteen others, who shall, after the first election, be chosen annually by ballot, by the members present on the first Monday in December. Seven of the managers shall be a quorum

for the transaction of all business except the appropriation of money above the sum of two hundred dollars, when thirteen shall be necessary: in either case, the president, or one of the vice-presidents, or one of the secretaries, shall be of the quorum. They shall make bye-laws for regulating the business of the Society; carry on its necessary correspondence; and lay before the Society, at the annual meeting, an account of their transactions during the preceding year.

5. A special meeting may be called at any time by the President, at his own pleasure, or at the request of any three members.

6. No alteration of this constitution shall be made without the concurrence of two-thirds of the members present.

At a meeting of the members of the Society, on Monday, 4th of December, 1809, the following gentlemen were elected officers and managers for the ensuing year.

President,
Rev. Dr. Livingston,

Vice Presidents,
Rev. Dr. Mason, 1st.
Rev. Mr. Parkinson, 2d.

Secretaries,
Rev. Dr. Miller,
Rev. Mr. M'Leod.

Treasurer,
D. L. Lodge.

Managers,
Rev. Dr. Milledoller,
Rev. Dr. Romeyn,
Rev. Mr. Williams,

Rev. Mr. M'Lay,
Rev. Mr. Thatcher,
Elisha Coit,
John Stoutenburgh,
Robert Gosman,
J. I. Margarum,
Divie Bethune,
David Gelston,
John R. Murray,
John P. Mumford,
Zachariah Lewis,
Leonard Bleecker,
Andrew Gifford,
Henry Rutgers,
John Mills.

—

Pittsburgh, (Penn.) Aug. 16.

TO THE INHABITANTS OF PITTSBURGH AND ITS VICINITY.

A number of persons in and near Pittsburgh have, within the present year, formed themselves into a society under the name of the "*Pittsburgh Moral Society*."

As members of the same, we take the liberty of addressing you, fellow-citizens, that you may know on what principles, and for what purposes our society has been formed.

The objects for which we associate, are, the suppression of vice—reformation from evil manners—and the increase of useful knowledge. To gain these ends, such means shall be used as are dictated by prudence and a sense of duty.

Irregularity and vice do not, we believe, prevail in Pittsburgh more than in other young towns: yet that they do prevail, is matter of regret to all its sober inhabitants; and the general voice of the citizens is, that something ought to be done to correct the evils—that

as we increase in population and wealth, we may become worthy of esteem for sobriety, order, and eminence in every thing laudable.

We disclaim all preference for one denomination, sect, or party above another.

We take the morality of the Bible for our guide, while the laws of the land prescribe the extent of our measures.

Our society consists of, and we wish it to be increased only, by such as profess themselves friends of religion and morality.

From persons of this character, however, who may not become members of our society, we confidently expect much assistance.

We do not presume to dictate to any, nor interfere with the concerns of any, unless when the wholesome laws of our country are violated; then, after the milder measures of advice and persuasion have failed, the penalties of the laws will be applied.

The ministers of religion, and teachers of schools, while they discharge the duties of instruction, have it in their power to present religion and virtue in their true and attractive colours.

The civil magistrate and others in authority, by a prudent zeal, and friendly activity, may become useful officers, as well by preventing, as by punishing crimes.

The keepers of taverns and ferries have no doubt much in their power:—more towards the suppression of vice, probably lies in their hands than in the hands of any other class of citizens.

But to the tender feelings of parents and guardians, we would particularly appeal.—Is it not your ardent wish that your chil-

dren may become a comfort to you, an honor to themselves, and a blessing to the community? yet such effects cannot be produced without the use of adequate means.—Children are naturally without knowledge; they are ignorant of the real difference between virtuous principles and vicious propensities, and prone to go astray. They are, therefore, to be corrected and improved only by education, example, and prudent restraint; without which we cannot expect from them any thing but a savage, ignorant and vicious life.

How honorable the character and how delightful the prospect of that family, where peace and good order reign; where the children perceive from the first opening of their understanding, that parents' affection and authority watch over them for their good; and where that authority is rightly employed in exercising salutary restraint, in storing their minds with useful knowledge, and in leading them by example into the paths of virtue: Such families, are the nurseries of future greatness, excellence, and usefulness in public life.

To young persons we would observe that education and means of knowledge will be lost upon you, unless you determine to be good and virtuous; in this respect the formation of your character is in your own hands. If you yield yourselves victims to indolence, ignorance or intemperance, you will become degraded and despised—the pest and nuisance of society;—but if you resolve, and more nobly keep the resolution, to use every opportunity of improving your minds, and to associate only with those whose sen-

timents and examples will confirm you in virtuous habits, you will then become qualified for enjoying the blessings of society, and for discharging with fidelity the duties allotted to you in life.

After this brief appeal, fellow-citizens, to your judgment, your sense of duty and your interest, is it not reasonable for us to ask and expect that you would employ your means and influence in behalf of sound morality, in carrying into effect such measures as are calculated to produce peace in your own minds, comfort and order in your families, and tranquillity and happiness in this borough. With your aid, our society hope to be able to restrain and correct many of the irregularities which are too common, particularly on the Sabbath; and we flatter ourselves with the idea of rendering such services to the community, as will at least entitle us to your countenance and support.

Signed by order and in behalf of the society.

E. DENNY, *Chairman*,

M. B. LAWRIE, *Secretary*.

P. S. Measures are in train for instituting a Sunday School, the plan of which will shortly be published, and which, with proper management, we hope may render much service to the children of the town.

The remains of Major General ANTHONY WAYNE, late commander in chief of the armies of the United States, were recently raised from their repository, within the dismantled United States'

garrison, situate on the margin of lake Erie, and from thence have been transferred to this county, (Chester, Penn.) which with pride we may say it had the honor of giving birth to this patriotic citizen and illustrious hero.

Upon this solemn occasion, we are informed, that a well disciplined company of light infantry, under the command of captain Abram Phillips, of the Great Valley, Chester county, anxious, as citizen soldiers, to pay a tribute of respect to the remains of their gallant fellow citizen, on the 23d ult. rendezvoused at the General Wayne inn, kept by Mr. Campbell Harris, situated on the Philadelphia and Lancaster turnpike road, six miles distant from the late residence and birth place of the general. When the carriage, conveying the remains of the general, made its appearance, the drum beat to arms—the company was instantly formed, and field officers col. Wm. Harris and major Joseph Pearce, mounted, advanced in front of the carriage, Isaac Wayne, esq. the son, and William R. Atlee, esq. the son-in-law of the general, following immediately in its rear. The moment the carriage had reached the infantry, the music played Roslin Castle; as soon as the carriage had passed the infantry, they formed in military procession accompanied by a large concourse of citizens and officers in uniform.

When the procession had reached the Warren tavern, a halt was made for twenty-five minutes; in the mean time the military partook of an elegant collation prepared by Mr. Charles Fahnestock, upon the occasion. The procession was again formed in similar

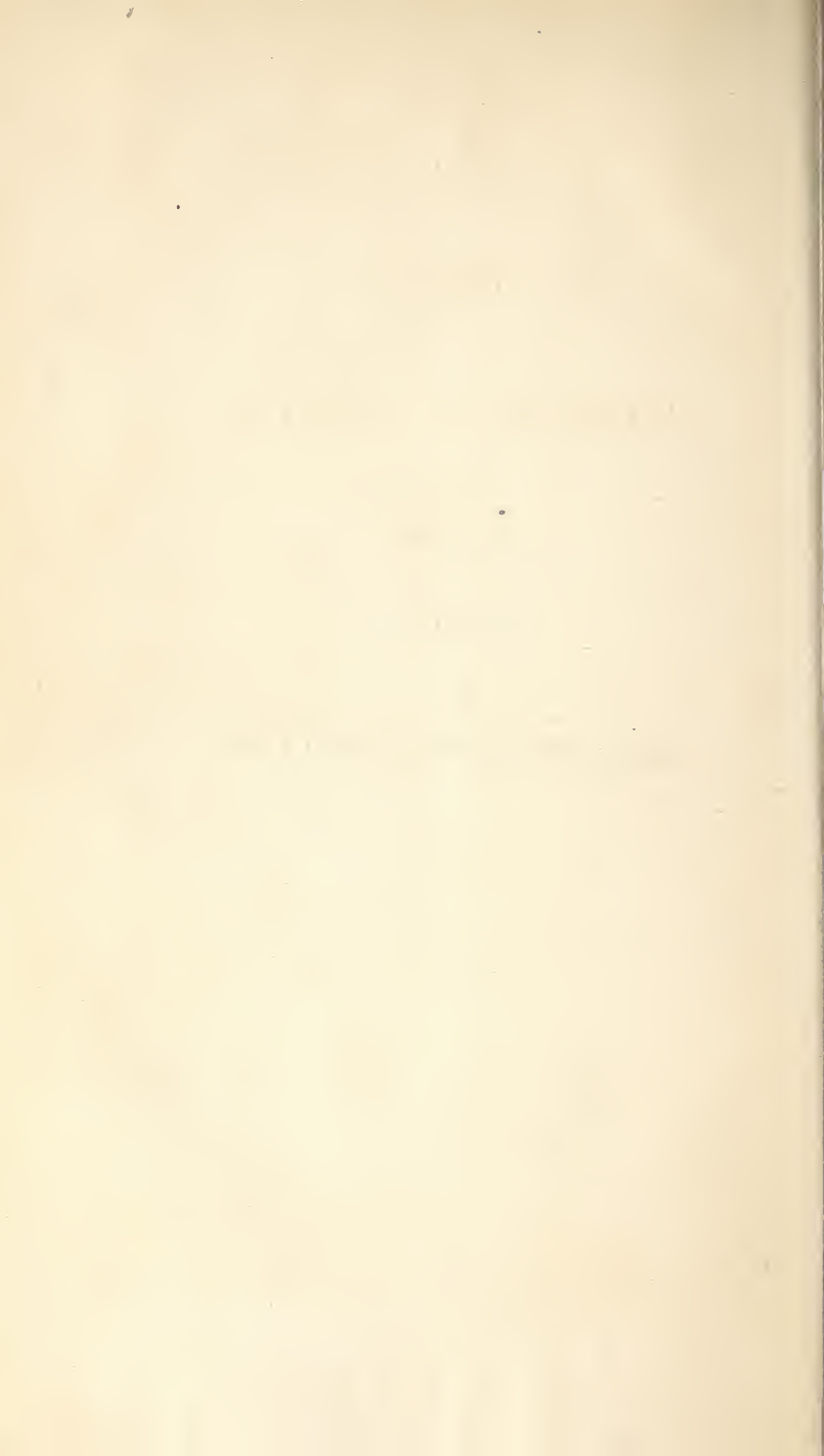
order and advanced as far as the Bear tavern on the turnpike, which is within one mile of the mansion house of the late general Wayne. Here night coming on, the carriage halted, whilst the procession advanced in two divisions on the right and left of the turnpike, then halting and facing inwards, the carriage passed in review, the music playing the dead march, whilst the carriage proceeded to the mansion house.

At eleven o'clock the ensuing day, we are informed the remains of the general were interred within the cemetery of St. David's church, accompanied by a large concourse of his surviving friends, and old acquaintances. Upon the occasion, the Rev. David Jones, who had acted as chaplain to general Wayne during the greater part of the revolutionary and Indian wars, delivered an appropriate discourse.



AMERICAN

REGISTER OF DEATHS.



AMERICAN

REGISTER OF DEATHS.

DIED, on the 30th of June, at Philadelphia, while on a visit to his friends, John Keese, Esq. of New York, aged 54 years.

The excellent and amiable character of this respectable gentleman, had long been appreciated by every member of the community to whom he was known; and it rarely happens that an individual who for so long a series of years had employed the skill and diligence of his profession as a Notary Public in the business and transaction of so many of his fellow citizens, ever departed from the scene of his activity with such unqualified credit, or with such perfect freedom from every invidious imputation. Probity and candor were so predominant in his breast, and gentleness, politeness and liberality were so conspicuous in his whole deportment, as to inspire at once the most unbounded confidence in all who sought his professional aid, or entrusted to him their concerns, and

secured to him the cordial friendship and esteem of that extensive circle of acquaintance, who for so many years had witnessed his worth.

His domestic character comprised every thing exemplary, benevolent and endearing, and displayed the virtues of a heart, where connubial love was only equalled by paternal fondness.— Resigned to that holy faith whose doctrines he was ever studious to observe, and on whose assurances he placed a firm reliance; his morality was the pure mirror of his religion, and his love for his neighbour became sanctified by his love for his God.

Departed this life, aged about sixty-four years, Thomas Morris, a native citizen of Philadelphia.

This gentleman was, by trade, a house carpenter, for several years before the revolutionary

war. He afterwards commenced brewer, and by industry and attention to this business, he added considerably to his patrimonial estate, which he left unimpaired to his children.

He was descended from the Morris and Powell family, who were the intimate acquaintance, and confidential friends of William Penn, the proprietor of Pennsylvania.

His education he received at the Friends' school, founded by the first charter, granted in Pennsylvania, by the name and title of "The Friends' Public School, founded by charter, in the town and county of Philadelphia."

In this academy he was instructed, by that able teacher Charles Thomson, in the Greek and Latin languages, in which he became such a proficient, that he was introduced in early life, to the station of an overseer, in which he acted with honor and fidelity about thirty years, until by sickness he was rendered incapable of further services. But this school was not the only institution in which he employed *gratuitously* his time and talents. Called by the general suffrages of his fellow citizens, to a seat in the city councils, he was therein eminently useful.

He also served as a director of the Mutual Insurance Company of Philadelphia, as a director of the City Library, and as a manager of the Pennsylvania Hospital about twenty years, in all of which valuable institutions, as well as many others, he was distinguished as an active, serviceable and intelligent member.

As such his death is regretted by all his former associates, nor

is it less lamented by the Religious Society of Friends to which he belonged, and in which his memory is deservedly dear, on account of the integrity of his heart, and the extent of his acceptable labours amongst them.

Such is the character of this useful man and practical christian, whose death we record on this occasion.

In Stockbridge, Massachusetts, Mrs. Elizabeth James, widow of Mr. Benjamin James, in the 95th year of her age.—This excellent woman has been a widow for sixty years. The sphere of her actions has been circumscribed, but it has been filled. Till within the two or three last years she has performed the whole domestic duty of her family. She has suffered much from sickness and bereavement, but her sufferings have been solaced by her piety and by her confidence in the mercy of Him who chasteneth, but not in anger. Her death as she was old and full of days, and departed breathing benedictions on a large family, some of whom were providentially present from a great distance, forcibly brings to our minds the end of the ancient patriarchs. Like them we trust *she has been gathered unto her people.*—She died resigned and happy, having long anticipated the event. A beam of light, we trust from the abodes of the blessed, gilded the scene of her departure from this dark vale of woe. Who can witness the death of the pious, and not exclaim "blessed are the dead who die in the Lord."

In Wilmington, Samuel White, Esq. Mr. White has for several years past represented the state of Delaware, in the senate of the United States—where his talents were known to be respectable, and his integrity unblemished.—In the circle of his acquaintance, which was very extensive, his loss will severely be felt, and deeply regretted; and his virtues in private life will be long cherished in grateful remembrance. His probity of conduct, urbanity of manners, and manly deportment, justly entitled him to the rank of a worthy citizen and an accomplished gentleman.

At his residence in Gloucester county, N. Jersey, Thomas Clark, Esq. in the 67th year of his age. He was for many years a representative in the legislative council of that state, and held the offices of judge and justice, in that county, from early life till a few years previous to his death. He sustained the character of an upright, amiable and honest man through life, and finally closed his earthly pilgrimage, under the weight of years, with scarcely a struggle or a groan.

In the borough of Lancaster, Philip Leonhard, aged 95 years, 2 months. and 12 days. He went to reside there in the year 1734, when there were but seven or eight houses on the scite of the now populous town of Lancaster.

Mary Ann Smith, daughter of

Jonathan Bayard Smith, Esq of Philadelphia. With a mind richly furnished with knowledge, and a heart sanctified by grace, she exhibited the christian virtues with great advantage.—Patient under the pressure of a tedious and painful illness, with sweet composure and perfect submission, she bowed before the Divine Sovereignty, and breathed out her spirit in perfect tranquillity and peace, teaching her friends how to die.

In their bosom, she has left a lasting record of virtues equalled by few, which adorned her life and made her death easy. They felt the loss of a valuable friend. The poor too who knew her, and to whom as a member of the female benevolent society she often ministered, will drop a tear for her loss, and sigh for her absence. She has finished her course with joy—Her body sleeps in the tomb till the resurrection of the just—Her spirit has flown to the Paradise of God.

At Fort Columbus, New-York, of a malignant fever, much lamented by all who had the pleasure of his acquaintance, Lieut. James Chambers, of the United States army:—a young man who, to an excellent heart and benevolent mind, united all the refinement of education. This promising young man has been snatched away from a numerous circle of friends and from the bosom of his relatives, at a most important moment, just entering into life, in the full tide of prosperity and in the high road to preferment, upon the point of promotion, and with considerable expectations, all in a moment blasted by the

cruel hand of the fell destroyer, and cut off from his hopes. A consolatory reflection is however left for his friends;—that if rewards avail the meritorious in an hereafter, he must have full possession.

His brother officers will long have occasion to deplore the loss of a much valued companion; and his friends, particularly those who shared his confidence and esteem, will ever remember his excellencies, and regret that they are for ever deprived of him whose converse and society always enlivened their circles and combined information with pleasure and amusement. The writer of this paragraph had been in habits of close intimacy with him for a number of years, and he has indeed reason to mourn the loss. Yet we must submit with resignation to this deprivation, and consider it as the dispensation of an all wise providence, trusting that his removal is for his advantage; and although we suffer a loss, our loss is his eternal gain.

In Portsmouth, Charles Chauncy, esquire, in the 81st year of his age. Thus soon following the beloved wife of his youth, who but a little more than two months since took her affectionate and dying leave of him, until they should meet in the realms of glory and everlasting felicity.

Mr. Chauncy was a descendant of the venerable and reverend Dr. Charles Chauncy, the second president of Harvard university, who filled that important station with credit to himself, and honor to that ancient seminary from the year 1654 to 1672).—He was

the only son of the late reverend Dr. Charles Chauncy, the worthy pastor of the old brick church in Cornhill, Boston, in which town he was born in the year 1728. He received his education in Harvard university from whence he graduated in the year 1745, after which he spent a short time with his reverend father in Boston. When sir William Pepperell, who was an intimate acquaintance of his father's, prevailed on him to pass several years in his mercantile house as his clerk at Kittery point, in the district of Maine. Soon after Mr. Chauncy became of age, he entered largely into the mercantile business for himself, in which he ever maintained the character of an upright, honest, enterprising and thorough merchant; in which profession he made a large and handsome property; but during the American revolution, was (like all other patriots) obliged to make great sacrifices, and surmount important losses. He was several years a member of the provincial assembly of Massachusetts Bay: but after the revolution, (though repeatedly solicited) he never would stand as a candidate for any office either in the general or state government: as he solemnly declared to his friends, he infinitely preferred the honorable station of a private citizen, to that of a more public life. His heart always glowed with the feelings of a patriot, and his love of rational liberty and independence, was of the most genuine kind. His keen penetration and original wit will long be remembered with pleasure, and spoken of with delight.—His friendship was warm, zealous and sincere. His benevolence, humanity and civility were

unbounded. The richness of his fancy, and the fertility of his mind, were as remarkable as the justness and strength of his understanding. So that his company was sought by citizens of every age, for he had the peculiar faculty of pleasing and instructing all who had the honor of his acquaintance.

In the year 1791, he purchased a seat in this town, where he has since resided with pleasure to himself and the great satisfaction of the citizens of Portsmouth;—for his life was a model of social and personal virtues. Being perfectly just in his dealings, frank in communication, kind and obliging in his deportment; easy of access to all, and beloved and respected by his friends, neighbours and acquaintance.

At Pittsburgh, John Wilkins, esquire, in the 77th year of his age.

Through a long life of activity, enterprise and various fortune, his manly mind encountered calamity without suffering depression, faced danger without dismay, and enjoyed prosperity without ostentation in hospitable kindness and liberality;—Ardent in his attachments, zealous in the service of his friends, he never waited for solicitation where he knew his good offices would be useful to those he esteemed.

In public spirit and honourable exertion during the revolutionary war, he was excelled by none:—At the origin of the contest, he was among the first captains who associated and organised a company of militia in Penn-

sylvania:—In 1776 he was elected a member of the convention which formed the first constitution of the state; and immediately after performing this decisive act of resistance against Britain, he accepted the commission of captain in the army of the United States. In this disastrous period of our affairs, he enlisted a company at his own expense, and from his own funds furnished it with rations, forage and every requisite on its march to join the army:—He reached the camp before the battles of Brandywine and Germantown, and was in both these actions.

After the conclusion of the war in 1783 he removed with his family to Pittsburgh, where he has ever since resided, and throughout that whole period held the office of justice of the peace: and frequently was invested with the offices of commissioner or treasurer of the county, all which he discharged with ability, attention, and unblemished integrity; highly valued by his friends, and respected by all the surrounding society.

His noble constitution of body was at last overcome by the hand of time, but the faculties of his mind remained unhurt to the close of his life:—With perfect composure he saw the approach of his dissolution, and surrounded by his numerous family and sympathising friends, he yielded without a sigh his spirit into the hands of Him who gave it.

At Stone-Arabia, Montgomery county, the reverend Philip T. Grotz, A. M. and Lutheran minister at that place. He was a

native of the present kingdom of Wirtemberg, highly esteemed for his classical learning and undisguised zeal for practical religion. Having labored more than 30 years in the vineyard of the Lord, he received the reward of the faithful servant, at the hand of his divine master.

a long and painful illness, which he bore with the most patient resignation. The closing scene was remarkable; he awoke out of a slumber about 12 o'clock in an extacy, and began, and continued to shout glory! glory! for about 25 minutes, when he ceased to shout and ceased to breathe, and thus entered triumphantly into the joy of his Lord.

In the town of Harrison in the county of West Chester, Peter John Follow, (commonly called French Peter) a native of Flanders. When he first came to this town from Canada, with the neutral French, he was an old man, and he lived here about 60 years. It is impossible exactly to ascertain his age, but as he was at the battle of Ramillies in 1706, it is probable he was more than 120 years, and he used to say he had served in 12 campaigns. He retained his senses to his last moments—his hearing was remarkably good and his sight so acute that he could see a pin on the floor at some distance.—He could handle his sword very dexterously and not long since has been seen to take off the snuff of a candle with the point of it at some distance. He was never known to have any sickness and died by a natural decay of the bodily powers, occasioned by extreme old age. He was never married and has been on the town of Harrison 26 years.

In Martinique, Mr. John Hicks, of Boston, merchant, aged 26—a young gentleman beloved and esteemed by every one who knew him; whose suavity of manners, and amiable life, while they made him the solace of his friends, and an ornament of society, sharpened the poignancy of his premature departure. It is a remarkable fact, that the deceased was the fourth son of Mr. Zachariah Hicks, (all estimable and enterprising young men) who have died in foreign climes, when on voyages of business.

At Brattleboro', Vermont, Samuel Stevens, L. L. D. the most celebrated astronomer in the United States.—In the course of a long life devoted to literature and science, Dr. S. found every day new motives to admire the wisdom, and adore the power of the immortal and omnipotent architect of the universe.

At Cambridge, on the eastern shore of Maryland, the reverend Joseph Everett, in the 78th year of his age, and 30th of his ministry in the methodist church, after

At Lamberton, in the state of New Jersey, after a long and painful illness, Miss Margaret Ewing, daughter of the late rev-

crend Dr. John Ewing, of Philadelphia.

In the estimation of those to whom this young lady was personally known, no encomium can exalt her character. The memory of her inestimable worth is embalmed in their affections and can never be forgotten. To those who knew her not, suffice it to say, that in her were united wit and beauty, an understanding of the first order and highly cultivated—a heart generous, just, sincere and affectionate, with manners the most unaffected, sprightly and amiable.

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In the western country, Meriwether Lewis, esq. governor of Upper Louisiana. He put an end to his own life, in a fit of de rangement brought on, it is supposed, by the rejection of an account at the war department, by which he considered himself disgraced. He was not less distinguished by his present conduct as governor of the territory confided to him, than he had been by his fortitude and perseverance in the celebrated expedition towards the Pacific ocean.

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Died, Mr. Andrew Smallie, aged 86 years. He walked from his own dwelling on Sunday, to Bracken meeting house, in good health, and while the congregation were singing one of Rippon's hymns, in which he cordially joined, when he came to those words :

“ O may my last expiring breath,
“ His loving kindness sing in death,”

he gently fell forward, but quickly recovering, he suddenly fell backward into the arms of Mr. Hargate, and expired before they could convey him to the door !

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At Lebanon, his excellency Jonathan Trumbull, governor of the state of Connecticut, aged 69 years. On Wednesday, his funeral was attended by a great concourse of people from Lebanon, and the neighboring towns, who assembled to pay the last tribute of respect to their much lamented chief magistrate.—The funeral procession moved from the family mansion to the meeting-house, where Divine service was performed. A Sermon was preached by the Rev. Mr. Ely, from Psalm xxxvii. 37—“ *Mark the perfect man, and behold the upright ; for the end of that man is peace.*” The pall was supported by the Hon. Chauncey Goodrich, the Hon. Zephaniah Swift, the Hon. Henry Champion, the Hon. Calvin Goddard, Andrew Kingsbury, Esq. and Nathaniel Terry, Esq.—His honour lieut. governor Treadwell, and maj. gen. E. Huntington, were among the mourners. The scene was one of the most solemn and interesting, that has ever been witnessed in Connecticut.

Governor Trumbull's life has been eminently useful, amiable, and respectable, and his death will long be deplored by the people of the state, with sincere and unaffected sorrow. He was the son of a man, who was also many years governor of Connecticut, and whose name will ever be mentioned with honor, among the illustrious characters that will

adorn the annals of the American nation. He received his education at Harvard College. On the commencement of the war between this country and Great Britain in the year 1775, he entered the army, and continued in it until the peace of 1783; having been for a considerable time in the family of General Washington, as his private secretary, and one of his aids-de-camp. Governor Trumbull ever possessed the friendship and confidence of the commander in chief, and he left the army with the reputation of a brave, active, and faithful officer.

In civil life, governor Trumbull has been repeatedly a member, and speaker, of the house of representatives in the legislature of the state; a member of Congress, and speaker of the house of representatives of the United States; a senator of the United States; lieutenant governor, and governor of the state—to the last office he has been annually elected since the year 1798.

In all the various offices which he has filled, governor Trumbull has uniformly conducted with reputation and dignity.—Possessed of good natural abilities, and handsome acquirements, of a most amiable disposition, and highly polished and elegant manners, his influence has been extensive, his conversation admired, his talents respected, and his virtues revered. As chief magistrate of the state, his administration has been wise, patriotic, and just—such as to gain the applause of his friends, and the respect of his political adversaries.

But the crowning excellence of his character, for which his memory will long be cherished, was a pure, sincere, and fervent

piety. Rare indeed are the instances of such pre-eminent attainments in the Christian course, as those by which this good man was distinguished. With the cheerfulness and vivacity of the companion, he exhibited a saint-like spirit and disposition—with the dignity of the gentleman, he blended the meekness of a Christian. During a long and painful sickness, when all expectation of recovery was relinquished, he was serene, patient, cheerful, and resigned. His views stretched far beyond this transitory scene, and his hopes rested sure and steadfast within the veil. The lustre of his piety, like the setting sun, became more and more resplendent, as it descended towards the horizon of life, and its parting beams seemed as a light from Heaven, to cheer the darkening passage which lies betwixt the dying Christian and his God.

At Boston, Lady Elizabeth Temple, widow of the late Sir John Temple, baronet, his Britannic majesty's consul general for the Eastern District of the United States, and daughter of the late governor Bowdoin.

During the long and distressing illness to which Lady Temple became the victim, she manifested the dignity and propriety of deportment characteristic of the sincere Christian: Calm and resigned, she met her fate with tranquillity. Her habitual manners, so endearing to her friends and engaging to a large acquaintance, softened by religion, attended her to the last, and made her death peculiarly affecting. Ex-

emplary and pleasing in every situation of life, she fulfilled, with peculiar propriety, its various duties; and it may be truly said of the amiable deceased, that society has lost one of its most valuable members and brightest ornaments.

At Baltimore, David Harris, Esq. cashier of the office of discount and deposit in that city.

Mr. Harris was one of the early soldiers of our revolutionary war. In the year 1775, he joined the American army under General Washington before Boston. He was a brave, active and useful officer. In the private walks of life he was ever cheerful and hospitable, and an ornament to society—an excellent husband, good father, and kind friend. He was cashier of the office of discount and deposit in that city, from its first establishment until his death, uniformly correct, just and obliging.

At Germantown, Mr. John Edmund Harwood, formerly of the New Theatre. As a Comedian, his chaste and inimitable performance will be remembered with delight by the admirers of the Drama.

At Warwick (R. I.) in an advanced age, the Hon. William Greene, formerly governor of that state. He was a gentleman highly distinguished and revered for his firm and dignified patriotism, for the benevolence of his heart,

and those exalted virtues that reflect the brightest lustre on the human character.

In the Pennsylvania Hospital, on the 6th inst. Eleanor Cravan; she was admitted about thirty-two years since, a *destitute stranger*, very much deranged in her mind. In this situation she remained in the house to the day of her death, supported by the contributors, from the funds they have raised for this charitable institution.

Departed this life, at New York, after a short illness, Mr. Morton Jackson, of the United States navy, son of the late Dr. David Jackson of Philadelphia, in the 18th year of his age.—A young gentleman whose amiable manners had endeared him to a large circle of friends, and whose talents and virtues gave a fair promise of usefulness to his country, and of honor to the profession which he had chosen. His remains were interred last Sunday, attended by the officers of the United States navy now in that port, by a large concourse of citizens, and with the usual military honors, which were performed by a detachment of marines, under the command of Captain Brooks.

Died, in the township of Alexandria, in the state of New-Jersey, col. Thomas Lowrey, in the 73d year of his age. In the death of col. Lowrey we have to record the loss of another of our revolutionary patriots. He took an early

and decided part in defence of the liberty and independence of this country. He was appointed commissary to the two New-Jersey battalions raised in the year 1775, in which office he was eminently active and useful. From the services rendered his country he was honored with the esteem and confidence of his excellency the commander in chief during the war, and at the establishment of government under the federal constitution, received from him, as President of the United States, the appointment of marshal of the district, which he held to the year 1801.

At Baltimore, Mr. Alexander Reinagle, in the 62d year of his age, one of the managers of the Philadelphia and Baltimore Theatres.

His talents as a musical composer were unrivalled in this country.

The intrinsic goodness of his heart, and the mildness and urbanity of his manners, endeared him to his friends, by whom his loss will be sincerely regretted.

In Raleigh, North Carolina, Mrs. Judith Busbee, widow of Thomas Busbee, sen. at the advanced age of 73 years. She has had 119 children, grand children, and great grand children, 97 of whom are now living, the eldest only 51 years old.

In the city of Washington, on the 20th of Nov. 1809, Caleb

Swan, Esq. late Paymaster General of the United States army—who was a revolutionary officer, and from his known integrity and merit was appointed by General Washington in the year 1793, to that confidential office.

In the state of Ohio, John Stewart, Esq. of York, (Penn.) late a member of the United States' house of representatives.

In Newport, Rhode Island, George Champlin, Esq. Mr. Champlin was among the last of those ancient pillars of the town who for so many years had remained its ornament and support. This death forcibly carried back our reflections to the heavy and irreparable losses this town has sustained within the space of a very few years by the death of many of its most valuable citizens.—George Gibbs, Peleg Clarke, Christopher Champlin, Caleb Gardner, Francis Malbone, men eminently enterprising, upright and useful, have, all in rapid succession, been gathered to their fathers, and left us to the guidance of a new generation. Well may we deplore this loss; for we have few such men to lose; few indeed are there remaining who will make such sacrifices, or can render such services as Mr. Champlin. Services and sacrifices to which the confidence and esteem of all his fellow-citizens bear ample testimony.

It is remarked of popular states, that however capricious they may be in their prosperity, and inclined to exercise their strength rather than their wisdom; yet in

times of difficulty and danger they are sure to place their reliance upon their best and wisest citizens. This grateful proof of merit Mr. Champlin most eminently enjoyed. At the close of the late war, when this town was depressed and almost borne down to the dust by its misfortunes, it was still fortunate in the possession of such a citizen as Mr. Champlin. The services its situation then required were such as no ordinary man could perform.

Before the revolution, the town of Newport, in population, wealth and prosperity, was the rival of many of the most flourishing and respectable cities on the continent: whether we should have held out in the race or not, is now only a speculative and painful question. The enemy came, and our prosperity ceased. For three years the ravages of war in this state were confined almost exclusively to this town. In 1779, when freed from the hostile garrison, its condition was desolate and naked. There was too little vital heat remaining to revive its strength. Many of its wealthy and enterprising citizens: many of the industrious class had forsaken and continued to forsake it. Its weakness was not the weakness of infancy, but the cold languor of a broken constitution. In that wretched state, humbled and almost ruined, it was difficult indeed for the town to resume her station and reclaim her former weight in the councils of the state. The town was sensible of its situation, and called for the services of its ablest citizens. It was not deceived in its choice, nor disappointed in its hopes. Mr. Champlin with his respectable colleagues never forgot nor suffered others

to forget the station which the town held in the days of her prosperity, and from which they would not consent that her misfortunes suffered in the common cause, should degrade her. All his powers were exerted in her support. And very soon was his influence felt, and the wisdom of his councils acknowledged throughout the state. Through the whole course of his legislative services, there were few instances of any importance in which his counsels were disregarded. In one memorable instance, though unable to stem the torrent of popular despair, he did all that he could do to set bounds to its fury, and to remedy its effects.

When the necessities of the people, at the close of the war, arising from the general depression of the country, the destruction of all commerce, and credit, drove them blindly to desperate remedies, and volumes of paper bills were issued, Mr. Champlin warned off many of the excesses and softened many of the violent measures which the temper of that day would have produced.—But he saw that the discontents and distresses of the people could only be relieved by the establishment of a wise national government which should invigorate the springs of industry, and with security bring tranquillity to the country. As soon therefore as the present constitution of the United States was proposed, he was its zealous and powerful advocate. On this occasion more than any other of his life, the powers and resources of Mr. Champlin's mind were called forth. His solid judgment, his penetration, his decision and his admirable address were all ne-

cessary, and were all exerted to overcome the strong prejudices and jealousies which prevailed against the constitution. His efforts, united with those of many other able men, both in the state convention, of which he was a member, and among the citizens, were fortunately successful, and the constitution to which, under Providence, we owe all our prosperity, was finally, after great struggles, adopted by this state. —Under the constitution Mr. Champlin was three times successively appointed an elector of President and Vice-President of the United States, and Washington and those who cherished his principles were uniformly supported by him.

In the year 1775, such was the opinion entertained of his patriotism that he was, at that eventful period, appointed lieut. col. commandant of the first regiment of militia. After the revolution, he held a seat in the legislature for sixteen successive years, by a *semi-annual* election, and during the whole of that period his influence in that body and throughout the state remained unimpaired. But his influence was not the offspring of intrigue: It was the fruit of his virtues and his talents: It was exerted only for his country's good, and was founded in the full conviction entertained by the people that he well understood the true interests of the state and honestly pursued them.—He never condescended to gain popularity by creating false alarms and pernicious jealousies:—by exciting the farmer against the merchant or the merchant against the farmer. On the contrary, he justly acquired the confidence of all classes by laboring to convince

them that the farmer, the merchant and the mechanic can have but one interest; which can only be promoted by their cordial union and mutual confidence.

In short by a long series of public services and by the uniform wisdom, disinterestedness and integrity of his conduct, Mr. Champlin gained the ascendancy he held in the affections and confidence of his fellow citizens, and there was no office in the gift of the people or the legislature which they would not gladly have bestowed upon him. But the pride of office was not a trait in his character, for honors of this kind he had no ambition. His mind conscious of its own rectitude, was satisfied with the general esteem and respect he possessed.

But Mr. Champlin did not make politics the sole business of his life. He engaged as extensively in commerce as if he had had no concern in public affairs. He was one of the most respectable merchants in the state, and in all his private transactions and various enterprises he was distinguished for his acuteness, his energy, and his incorruptible integrity.—In every department of life he held the performance of his duties sacred and in his view his duties were co-extensive with his powers to be useful.

Indeed it may be said, that if "true glory is the wide extended fame of many and great benefits bestowed upon our friends and our country," that glory was Mr. Champlin's with the consent of all honest men.

By one class of citizens this loss will be severely felt. Those who shrunk from the thought of exposing their distresses to the public eye, and can only bear to re-

ceive relief from the unostentatious hand of real benevolence, in Mr. Champlin ever found a bountiful friend, whose charities were administered with a delicacy which greatly enhanced their value.

In Mr. Champlin's last will, we understand, he has given one thousand dollars to the first congregational society in this town, of which he was a member, and had long been a benefactor :— and ten shares in the R. I. bridge to the marine society, of which he was also one of the first and oldest members, and has directed the annual profit of those shares to be applied to the support of the indigent widows of deceased members of the society.

Mr. Champlin, at the time of his disease, had nearly attained the seventy-first year of his age.

The last scene of his life corresponded with the whole tenor of it. His piety had always been exemplary and unaffected : and when the period of his dissolution approached, he declared, that he felt no reluctance at leaving this world. And with Addison he might have said, "*see in what peace a christian can die !*"

At his residence in Columbia, South Carolina, Mr. John Griffin, aged 99 years and six months ; after being confined to his bed about fifteen months ; and what is remarkable, this aged man was never known to be sick before ; he was an American ; and his widow who is upwards of 90 years of age, is now living.



MISCELLANEOUS ARTICLES.



MISCELLANEOUS ARTICLES.

THE AUSTRIAN WAR.

A BRIEF RECAPITULATION OF THE LEADING INCIDENTS OF THE AUSTRIAN CAMPAIGN, WHICH WAS TERMINATED BY THE BATTLE OF AUSTERLITZ AND THE TREATY OF PRESBURG.

The war which broke out between France and Austria in the year 1805, was terminated in the course of 70 days. Of all the conquerors of antiquity, Julius Cæsar appears to be the general whom Bonaparte most imitates, seeking by the rapidity of his motions and the decisiveness of his battles, to overwhelm the enemy with consternation and dismay. In one respect Napoleon was not so well prepared for hostilities against Austria in 1805 as he is in 1809, for at the beginning of the present campaign he had a considerable number of troops on the Lech and on the Danube; whereas in 1805, the main body of his forces was at Boulogne on the coast of the British channel, in

Holland, and in Hanover; these, by rapid marches, and after some fighting, united at Munich, the capital city of Bavaria. The campaign of Austerlitz (as it is called) opened with the battle of Wertingen, which took place on the 8th of October, 1805.—The principal actions of that war may be thus stated:

1805. Oct. 8. Battle of Wertingen, where prince Murat took an enemy's corps, consisting of 4000 men, together with cannon and colors.

Oct. 9. Battle of Guntzburg, where marshal Ney killed 2500 Austrians, made 1200 prisoners, and took 6 cannon.

Oct. 11. Battle of Albech, where general Dupont, at the head of 6000 men, resisted the most desperate efforts of 25,000 Austrians, and made 1500 prisoners.

Oct. 13. Reduction of Memmingen, by marshal Soult, yielding 6000 men, their artillery and baggage, together with military stores.

Oct. 17. Capitulation of Ulm,

by which 36,000 men, including 3000 wounded, were made prisoners. At this period Bonaparte proclaimed that of the army of his enemy, consisting of 100,000 men, 60,000 were in his power, together with 200 cannon and 30 colors, that 15,000 Austrians had with difficulty made their escape, and that all this success did not cost him more than 1500 men.—He decreed also, that 15 days of the campaign should be computed by the soldiery as one year, and that they should be paid accordingly, that the spoils and tribute of the conquered countries should be proportionably distributed among the armies, and he presented to his senate 40 pair of colors.

Oct. 18. Surrender of general Wernech to prince Murat. Wernech had sallied forth from Ulm with the Austrian prince Ferdinand, thinking to escape to the Bohemian territory. Murat, although two marches in the rear, came up with him successively at Langenan, at Neresheim, and at Nordlingen. The archduke saved himself with much difficulty, accompanied by a few horsemen. The fruits of Murat's activity was 16,000 men, 50 cannon, besides other advantages.

Oct. 18. Marshal Massena opened the campaign on the side of Italy, passed the Adige, took 1500 men and 7 cannon.

Nov. 8. Battle of Manenzell, where the corps of general Meerfeld was nearly destroyed by marshal Davoust, who made 4000 prisoners, with 3 pair of colors.

Nov. 11. Battle of Diernstein, where 4000 Frenchmen, under the command of marshal Mortier, stood their ground for 10 hours against 25 or 30,000 Rus-

sians, and during the engagement killed 4000 of the enemy, made 1300 prisoners, and took a cannon.

Nov. 13. Entrance of the French into Vienna, where they found more than 2000 cannon and 100,000 muskets.

Nov. 16. Battle of Zuntusdorfs, where the marshals Murat, Lasnes, and Soult, attacked the Russian army on its retreat, killing 2000 men and making as many prisoners, besides 12 cannon and 100 waggons.

Nov. 24. Surrender of Villa Franca, with 8000 men, 12 cannon and 6 standards.

Dec. 2. Battle of Austerlitz, wherein 18,000 of the enemy were killed, 30,000 made prisoners, 40 standards and 170 cannon were captured.

This battle terminated the campaign and the war; and on the 26th of Dec. 1805, the treaty of Presburg was entered into.—By this treaty the emperor of Austria abjured every kind of opposition to the acts and to the political system of the French emperor, recognizing him as king of Italy, and agreeing to acknowledge whomsoever he should appoint as his successor. The emperor of Austria also acknowledged the union of Piedmont and Genoa, the erection of the principalities of Lucca and Piombino, the independence of the Batavian and Helvetic republics, and the elevation of the Dukes of Bavaria and Wirtemberg to the kingly dignity. He ceded and abandoned to the emperor of the French, the Venetian territory, including Dalmatia, &c. To the king of Bavaria he yielded Burgau, Archlett, part of Passau, the Tyrol, with Trent and Bulxen, the Vo-

Walberg, Hohenems, Königsegg, Rothenfels, Felmang, Argen and Landau; he was suffered to occupy Augsburg. To the king of Wirtemberg he ceded five cities on the Danube, the upper and lower Hohenberg, N. Mellenberg, the prefecture of Altorff (excepting the city of Constance) the cities of Willingen and Brentingen, and in short that part of Brisgau included in the Wirtemberg possessions, and situated to the east of a line drawn from Schlegelberg to Masbach; he was suffered to occupy the county of Boudorff. To the elector of Baden, he gave the remainder of Brisgau, Ottenru, the city of Constance, and the commandery of Memau.

The emperor of Austria renounced likewise, all title, right or claim over the states and territories in general comprised in the circles of Bavaria, Franconia, and Suabia. Such were the humiliating concessions of Austria after the ever memorable campaign of Austerlitz. The principal political changes which succeeded the treaty of Presburg were the following:

The kingdom of Naples passed under the French dominion, and was given to Joseph Bonaparte.

Prussia ceded to France the country of Anspach, that of Neufchatel and Valengin, and that portion of the Duchy of Cleves which remained to her, and incorporated with her possessions the states of the elector of Hanover.

The king of Bavaria ceded to France the duchy of Berg, and received in exchange the country of Anspach.

The Venetian territories were by Bonaparte added to the king-

dom of Italy; Murat was created duke of Cleves and Berg, the principality of Guastalla was given to the emperor's sister the princess Pauline, and that of Massa Carrara to the princess Eliza, another of his sisters. He also clothed Berthier, his minister of war, with the sovereignty of the country of Neufchatel and of Valengin, and at the same time he designated in Italy twenty-two hereditary duchies, that is to say,

In the Venetian territory.

- | | |
|----------------|--------------|
| 1. Dalmatia. | 7. Treviso. |
| 2. Istria. | 8. Feltri. |
| 3. Friuli. | 9. Bassano. |
| 4. Cadore. | 10. Vicenza. |
| 5. Belluno. | 11. Padua. |
| 6. Conegliano. | 12. Rovigo. |

In the Parmesan States.

3. With the names of these we are not correctly furnished.

In the kingdom of Naples.

6. Nor have we the precise names of these.

In Massa Carrara.

1. Of which we are not well informed. These duchies are grand fiefs of the French empire, and are destined to reward the services of the chief military and civil officers of Bonaparte's army and government. We have seen that the greater part, if not the whole, of these titles, have been bestowed upon particular favorites already.

These changes took place before the overthrow of the Prussian monarchy. The humiliation of the house of Brandenburg, gave rise to wonderful alterations in the system of European poli-

tics.—Previous to the discomfiture of Frederick William, in June 1806, Holland was erected into a kingdom, with Louis Bonaparte at its head, the grand pensionary Schimmelpenninck, retiring upon a handsome provision being made for him by Napoleon.

The war with Prussia commenced on the 8th of October, 1806; the results briefly, were these.

The Prussian monarchy was confined within narrower bounds; Dantzic was made a free city; the erection of the duchy of Warsaw out of the Polish territory belonging to Prussia, which was given to the king of Saxony, with the privilege of a military road from Saxony to Warsaw, through the Prussian territory. Westphalia was erected into a kingdom, and given to Jerome Bonaparte; the league of the Rhenish confederacy was extended from the Rhine to the Niemen. These arrangements were guaranteed by the treaty of Tilsit, which united the emperors of France and Russia in the closest amity.

Note upon the swiftness of the Danube, by baron de Pakassi, charged by the Austrian government with the general direction of the bridges and works of the Danube.

The swiftness of the Danube is per second,

At Ebersdorf,

At low waters, 3 feet 4 in.
At swells, from 7 to 12 feet.
At the middling height, 4 ft. 6 in.

At Buda,

At low waters, 2 feet.
At swells, from 4 to 8 feet.
At the middling height, 3 ft. 5 in.

At Orso, (two miles below Trajan's bridge)
At swells, from 4 to 6 feet.

I have not had an occasion of making any accurate observations upon the swiftness of the Danube at Orsowa, and towards the mouth of this river.

I must add that the situations of the Danube make a considerable variation in the swiftness.

Vienna, 2d July, 1809.

LETTER FROM RETURN J. MEIGS,
ESQ. TO THE SECRETARY OF
WAR.

Highwassee Garrison, 1st December, 1809.

SIR,

I now transmit a general statistical table for the Cherokee nation. This was attempted in 1806, having at that time the consent of the late secretary of war; but the Cherokees having some unfounded jealousy, that there was something in the measure intended to take advantage of them, and expressing some reluctance to the measure, it was postponed until the last year. It has now been done with as much accuracy as possible, by the interpreters. If there is any error, it has probably arisen from a disposition in some to report a less number of persons, and of live stock than they actually have. The Cherokees on the Arkansa and White rivers, are not included in the table now transmitted; it is estimated that there is about 1000, including men, women and children, on the west side of the Mississippi;

they have also many cattle and horses, some of them being very wealthy.

The table now forwarded, does not exhibit all their wealth; they have no inconsiderable quantity of cash in circulation, which they receive annually for the sale of cattle and swine. In 1803 they had not a single perch of waggon road in their whole country. In that year they consented at the request of the government to have a road opened for a communication between the states of Georgia and Tennessee. This road with its branches was opened by those states and is about 220 miles, on which they have a turnpike by agreement with the government, for which they are bound to keep the road in good condition for carriages. Since finding the advantages arising from roads, they have at their own expense opened upwards of three hundred miles of waggon road for communication between East and West Tennessee. These roads intersect the first-mentioned great road at different points, except one road of 100 miles in length, opened by Double-head, commencing at Franklin county, Tennessee, and runs to the Muscle Shoals, and it is contemplated to be continued to the navigable waters of Mobile. But to effect this the interposition of the government will be necessary; because, from the Shoals to the navigable waters of Mobile, the road must cross lands claimed by the Cherokees and the Chickasaws.

Thus far, as exhibited by the statistical table have the Cherokees prospered by the pastoral life and by domestic manufactures; but it must be understood

that a spirit of industry does by no means pervade the general population; the greatest number are extremely poor for want of industry. The hunting life is here at an end; but a predeliction for the hunters life pervades a great part of the Cherokees, and many are waiting to hear whether the government will give them the necessary aid and encouragement to migrate to the west side of the Mississippi. Notwithstanding this they have strong local attachment to the place of their birth, and to the sepulchres of their fathers. This being the case, to induce great numbers to migrate, they must be excited by advances of such kind as they need to establish themselves on the rivers mentioned; viz. arms, ammunition, beaver traps, blankets, and some provision of the bread kind, flour or corn, corn will suit them best. After the first year, they will want nothing of the government, except a factory for Indian trade, and a promise of protection by the government. These things once attained, and their attachment and friendship is secured forever—they will be proud of being closely connected with the United States, by whom they have been raised in improvement far above the western Indians.

I am, sir, very respectfully,
Your obedient servant,

RETURN J. MEIGS

*William Eustis, Esquire,
Secretary of War.*

The document referred to in this letter purports to be "A general Statistical Table for the Cherokee nation, exhibiting a view of their population and of improvements in the useful arts, and of their property acquired under the

fostering hand of government, which has principally been done since the year 1796."

It exhibits in detail the number of Cherokee males and females, of horses, black cattle, sheep, swine, spinning wheels, looms, waggons, ploughs, grist-mills, saw-mills, salt petre works, powder mills, silver smiths, schools, white people, and negro slaves in each town, village and plantation, amounting to one hundred and thirty-five.

It is scarcely practicable in a newspaper to present in its details such a comprehensive table; and almost every useful purpose will be attained by the following condensed view of its contents.

No. of Cherokee males	6,116
do. Females	6,279
Horses	6,519
Black cattle	19,165
Sheep	1,037
Swine	19,778
Spinning wheels	1,572
Looms	429
Waggons	30
Ploughs	567
Grist-mills	13
Saw-mills	3
Salt petre works	2
Powder mills	1
Silver-smiths	49
Schools	5
Children at school	94
White people	341
Negro slaves	583

A considerable number of the white men are married to Cherokee women, others are employed as coppers for the Cherokees.

Col. Ore, who carries on the making of Salt Petre at this town (Nickajack) told me last year, that he had made in five years upwards of 60,000 pounds of Salt-

Petre, a considerable part of which he used in the making of powder.

An estimate of the principal articles, their value, viz.

6519 horses at \$ 30 each	} 195,570
19165 black cattle, at \$ 8 each	} 153,320
1037 sheep at \$ 2	2,074
19778 swine at \$ 2	39,566
13 grist-mills at \$ 260	3,380
3 saw-mills at \$ 500	1,500
30 waggons at \$ 40	1,200
583 negro slaves at \$ 300	} 174,900
<hr/>	
\$ 571,500	

This property has been acquired by the Cherokees within a few years.

—
PLAN FOR ESTABLISHING A MANUFACTORY OF AGRICULTURAL INSTRUMENTS; AND A WAREHOUSE AND REPOSITORY FOR RECEIVING AND VENDING THEM.

To the Philadelphia Society for Promoting Agriculture.

I have long seen, and desired to remedy, the defects in the agriculturral instruments, in common use through our country. If any are found (as many of the common implements are) either intrinsically good, or on a valuable and efficient plan, they are not easily multiplied, or readily obtained. The workmanship is often faithlessly performed; and the materials are frequently worth-

less. If a mechanic is celebrated for his skill, and succeeds in the execution of any particular article, he has more demands than he can fairly supply; and is, too often, seduced into negligence and forfeiture of character, by using unseasoned timber and other inferior materials, and slighting his work to encrease or support his business and profit. And yet, in general, the farming utensils and implements in our state are, as I believe, far superior to any others in the United States. Few workmen, with the best inclinations, have opportunities of seeing perfect models; either of new instruments, or of improvements on those already in use. No *manufactory of agricultural instruments in general*, exists; and much embarrassment, delay and difficulty, are found in the collection from various and distant places, and from workmen of various character and capacity, of all the implements of husbandry required for even common operations. The inventions of ingenious men of our own country, are, for the most part, confined to narrow districts, where they are used; and many valuable foreign instruments are little known among us. Some are introduced from abroad, and found complicated, expensive and inapplicable to the state of our agricultural circumstances. The best and most eligible instruments are those on simple principles and construction; faithfully made, and easily repaired.

I wish to suggest to the Society, the following *sketch* of a plan; which, if well executed, may be extensively beneficial.

1. That a *manufactory of agricultural instruments* be establish-

ed; under the patronage of the Society.

In this may be made every implement of husbandry for the common, or, if required, extraordinary operations in our agriculture; on the best plans and construction. Those newly invented, or used in foreign countries, if approved on trial, may also be manufactured, in addition to those generally known. But none are to be sold without having passed under the inspection of a person or persons appointed by the society; and *stamped* as the society shall direct.

2. *A warehouse* for the reception and sale of all agricultural instruments, made at the manufactory, obtained by the director for sale, or sent there to be disposed of on commission.

This would draw together every kind of implement worthy of attention; either imported, made at the manufactory, or in any part of the city, in the towns, or other parts of this state, or the neighboring states. It will become a highly useful *place of exhibition*, of every species of farming utensils, and of all articles used on farms, including those for the dairy, and every branch connected with husbandry: examinations of their construction and utility, and inspections of their qualities, may be made by direction of the society, and, if approved, they may be *stamped*; and thereby recommended.

Models may also here be deposited, for inspection and imitation.

Here, an assortment of every implement wanted, may be at once obtained, and the kind and quality ensured, so far as the so-

ciety can be reasonably expected to be responsible, with the common care and attention of its members; who can spare from their necessary vocations, only a portion of their time.

It is not intended that the society shall be subject to any losses, or enjoy any profit. A person well recommended for his intelligence, integrity and mechanical talents, (but removeable for incompetency or misbehaviour) must be procured; who for his own benefit, will undertake the management and direction of the manufactory, as well as of the collection and sales of all articles. If, added to other requisite qualifications, he has some agricultural knowledge and propensities, his capacity for the employment will be the more perfect. He may associate with him others, skilled, or necessary, in any branch or branches, if he (as he no doubt will perceive it to be) finds it convenient or proper. But he must be subject to such rules, as shall be mutually agreed on. These rules will be calculated only for the credit and usefulness of the establishment; and he will find it his interest to comply with them. On a fortunate choice of the person charged with the direction, the success of the plan almost entirely depends.

It may most probably be necessary, that some pecuniary assistance (on such terms as circumstances require and justify) should be afforded in the commencement of the plan.—Therefore a subscription (either on loan, contribution to our stock or funds, or in some way most likely to succeed) may be promoted; so as to obtain from public spirited

individuals, a sum not exceeding dollars. This is to be applied under the direction of the society. Every practicable care will be had that it be used faithfully, and employed profitably and safely; and possibly it may be so managed as to obtain an interest for the subscribers, who must, however, take their risk on this subject; the society to be only responsible for using their best endeavours. Being now incorporated, we can more legally and correctly receive, dispose of and manage, whatever funds may be furnished to us, for the purposes of our institution.

This wealthy and flourishing city has become one of extensive and various manufactures, as well as of commerce. In the former it is less rivalled than in the latter. The plan herein proposed will add, in no small degree, to its celebrity and advantages, if success attends the establishment.—The interests of our city, as well as those of other parts of the state, should induce pecuniary and other encouragement, even from those not directly engaged in, for all are consequentially benefitted by, the agricultural improvements and rural prosperity of our country. These are the immediate objects of our association. In their accomplishment we may entertain (as all our endeavors are gratuitous, and personally disinterested) well founded hopes, of being encouraged and assisted by the patriotism and public spirit of our fellow-citizens.

Such a manufactory, with its warehouse and repository, once in operation on an extensive plan, will give employment and profit to numerous workmen of almost

every description. It will not be necessary that all these should work in the manufactory.—They may, in their own workshops, wheresoever situated, complete instruments according to models furnished, or agreeably to their own ideas, and send them for sale, or vend them to the director; so as to afford them a profit, and to him a reasonable advance.

To the Agriculturists of our own, and of every other state (and to those of the southern states particularly, where the demand is great, and where few or no instruments of husbandry are made) most important advantages will be derived. They will be certain of a general assortment of the implements they require; and have the most probable assurance of the good quality and construction of the articles they order. Encouragement, by extensive demand, will induce fidelity and integrity in the director; whose emoluments will encrease and continue so long only as he maintains his reputation; as well for the construction, workmanship and materials of the articles he supplies, as for the moderate rates at which they are obtained. And it may rationally be expected, that they can be afforded on the best terms, when the demand warrants the employment of a capital not usually within the means of workmen, or dealers on a small scale. Among the benefits to be derived from the command of capital, the providing the best timber, and waiting for its being seasoned before it is used, as well as the selection of other materials of prime quality and at reasonable prices, are of the first importance. Emulation will be created in and forced upon,

workmen not connected with the manufactory. They will be under the necessity of attending to the quality of work made and sold by themselves; or if sent to the warehouse and exhibition rooms for sale, they will be careful that its quality and construction will stand the test of inspection; and entitle it to the stamp of the society.—This the laudable pride of some, and the interest of all, will induce them to value: and care should be taken that it be judiciously, as well as impartially, applied or withheld.

To the ingenious, industrious and faithful workmen of all trades connected with agriculture; and to the inventors of, and improvers on, instruments employed in husbandry; the repository for exhibition and sale will be incalculably beneficial.

In whatever light this subject may be viewed by those who have not paid to it the necessary attention, the profitable extent to which such a plan and establishment may be carried, is almost incredibly great. But prudence and necessity warn us, that in its origin the measures should be suited to the means; which in the outset cannot be expected to be any wise competent to its full perfection. If success and good management attend its progress, its own operations will produce and ensure the means and facilities of enlarging it, to any extent the demand requires. This demand is now prodigiously great, and is constantly encreasing with the population and improvement of our country. Multitudinarian bodies seldom succeed in such pursuits; but this manufactory and warehouse will combine the advantages arising from the coun-

tenance, assistances, and encouragement, we can afford; and those accruing from private enterprise and industry, stimulated by profit and reward to individual exertion.

RICHARD PETERS.

Belmont, July 15th, 1809.

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Paris, July 6, 1809.

IMPERIAL UNIVERSITY.

In conformity to the decrees of the 7th March and 17th September, 1808, the deans and professors of the three faculties of theology, of sciences and of letters of the academy of Paris, have been appointed by his excellency the grand master.

In the vacancy the vicar general presented the triple list of individuals, from among whom the members of the faculty of theology were to be chosen.

The three faculties consist as follows:

FACULTY OF THEOLOGY.

Holy writ—Mr. de la Hague, formerly professor in the Sorbonne.

Evangelical Morality—Mr. du Demaine, *idem*.

Ecclesiastical history and discipline—Mr. Dieche, *idem*.

Dogma—Mr. Burnier Fontanel, doctor in the Sorbonne.

Hebrew language—Mr. Hugues, formerly professor in the Sorbonne.

Sacred eloquence—Mr. Gallard, doctor in the Sorbonne.

Mr. Raillion, cannon of Notre-Dame, professor adjunct.

Mr. Dieche, dean of the faculty.

FACULTY OF THE SCIENCES.

Differential and integral number—Mr. Lacroix, professor of mathematics in the Bonaparte lyceum.

Mr. Francœur, professor of mathematics in the Charlemagne lyceum.

Astronomy—Mr. Biot, professor in the college of France.

Mechanics—Mr. Poisson, professor in the polytechnical school.

Physics—Mr. Gay Lussac, professor in the polytechnical school.

Chemistry—Mr. Thenard, professor in the college of France.

Mineralogy and geology—Mr. Haüy, professor in the museum of natural history.

Botany and vegetable physics—Mr. Desfontaines, *idem*.

Several of the above professors are authorised to entrust part of their professorship duties to professors adjunct: viz.

Mr. Haüy, to Mr. Brongnairt.
Mr. Desfontaines, to Mr. Mirbel.

Mr. Biot, to Mr. Dinet, professor in the Napoleon lyceum.

The article IV. of the decree of his excellency the grand master, also decides that the session of astronomy in the college of France, and the session of compared anatomy and phisiology in the museum of natural history, shall be sessions of faculty, and shall hold the same rank in the inscriptions.

Mr. Lacroix, dean of the faculty.

FACULTY OF LETTERS.

Literary history and French poetry—Mr. Delille, professor in the college of France.

French eloquence—Mr. De-

guerle, professor of belles letters in the Bonaparte lyceum.

Latin poetry—Mr. Luce de Lancival, professor of belles letters in the imperial lyceum.

Latin eloquence—Mr. de Saint Ange, professor of belles letters in the Charlemagne lyceum.

Greek literature—Mr. Larchet.

Philosophy—M. Pastoret, professor in the college of France.

Ancient history and geography—Mr. L'Evesque, professor in the college of France.

Modern history and geography—Mr. Barbie-du-Bocage.

Several of these professors are also authorised to allow their professorship duties to be fulfilled by professors adjuncts: viz.

Mr. Delille, by Mr. Esmenard.

Mr. Pastoret, by Mr. Million, professor in the Napoleon lyceum.

Mr. de Saint-Ange, by Mr. de la Place, *idem*.

Mr. Larcher by Mr. Boissounade.

Mr. Pastoret, dean of the faculty.

Each faculty is presided by the titular counsellor whom the grand master delegates with the quality of vice-rector.

Mr. Emery is vice-rector of the faculty of theology.

Mr. Cuvier, of the faculty of sciences.

Mr. Bausset, of the faculty of letters;

And in his absence, Mr. Noel, inspector general of the university.

—
August 19, 1809.

IMPERIAL UNIVERSITY.

The distribution of the prizes

to pupils of the four lyceums of Paris took place on the 16th inst. being the fete of Napoleon, in the hall of the public sittings of the institute, under the presidency of his excellency the grand master of the university. The institute and several members of the principal authorities in the state attended this ceremony. The provisors and the other members of the lyceums, accompanied by their pupils, and the professors of the five faculties of theology, of law, of physic, of sciences, and of literature, were assembled at 11 o'clock. At twelve o'clock, the grand master entered; he was preceded by the inspector generals, by the counsellor secretary general, by the counsellors titulars and by the treasurer and chancellor. All the officers of the university, and also the three titularies, wore the dresses which had been decreed by his majesty on the 31st July last.

His excellency the grand master, delivered the following speech:

“ Young Gentlemen—This solemnity, which always terminates and crowns your annual labours, receives at this time an additional splendor and interest from the day and the place which call you together.

“ The triumphs of your first years are going to be proclaimed before the statues of the great men who, in their turns, took their seats in this sanctuary of the sciences and of literature.—Bosuet, Fenelon, Corneille, and Descartes are, in a manner, present before you, and from your very first advances in the career, they point out to you the object which you must reach.

"But if the aspect of a place which is yet inhabited by their shades must excite your enthusiasm, the day which we have chosen for this interesting ceremony does not awaken less glorious recollections. It succeeds, it is linked in some measure, with that solemn day in which the fete of the monarch is that of all France. The chief of the state, to whom the public admiration has just been offering so much homage, and for whom it has been offering up so many prayers, appears to be beaming round your youth in all the rays of his glory.

"This double epoch will never be forgotten by you. It will never cease recalling to your mind that you owe to your prince the exercise of the talents, the first fruits of which you have just offered to us. It is for him that they ought to be developed. To serve him well, in whatever career your destiny calls you, is your paramount duty. And how great is his claim upon your devotedness! Many among you are indebted for the benefit of your education to his munificence.—From the banks of the Danube which he has subdued, he casts his attentive looks upon your schools. It is in order to secure the course and the progress of proper studies that he has been pleased to place at their head a great body in which wise traditions may be maintained. In this creation is discovered the stamp of that universality of genius which he possesses in order to repair and to aggrandize every thing.

"We will dedicate our efforts to the success of the vast establishment which has been confided to us; but, young gentlemen, it is also in your hands that the

future destinies of the university are placed. Contribute as far as it lies in your power, to the fame of the French schools by the purity of your morals and your sincere love of labor and of learning. Second the care of the respectable men who direct your youth, and may the glory of the pupil one day become that of the master.

"You are more fortunate than your fathers were. They beheld all society overturned, and you are now witnesses of its re-establishment. You are stepping into life after long storms, the shocks of which you never felt. Each of you may quietly follow your career under the safeguard of the laws. Distinguish yourselves by some merit and you are sure to be distinguished by the monarch.—His triumphant hands hold in them crowns for all kinds of talents. May his looks encourage you, and may a generation worthy of him rise up from among you! May men every way illustrious, continue hereafter to accompany him and remain in his suite when he descends to posterity and takes his place above the greatest kings, whose different glories, as a vanquisher of nations, as a restorer of the laws, a protector of literature, as a founder of empires, he united in his own person."

This speech was frequently interrupted by applause. The greatest enthusiasm was always displayed in the assembly upon the grand master expressing the public gratitude towards the founder of the imperial university.

In the evening his excellency gave a grand entertainment, at which were distinguished the pupils who had obtained the first

prizes. Music, illuminations, and all the accompaniments of a fete, closed in a worthy manner the day on which the masters and the pupils had received the reward of their labors for the year.

NEW ORLEANS.

New Orleans being the present head-quarters of the army of the United States, and of considerable note in our political relations—the following particular description of that city and the adjacent country, communicated in a letter from captain J. T. Bentley, to the editor of the *Morristown Palladium of Liberty*, may not be uninteresting to many of our readers:—

Having nothing of a more interesting nature to write, I will endeavour to give you some little account of this place, and the adjoining country, as far as my opportunities of information will permit.

The *Balize* are a number of low, marshy islands at the mouth of the Mississippi: they are inundated at every freshet. These islands are formed by the various channels through which the river communicates with the gulph of Mexico. There are no trees on any of them: they are covered with a kind of cane grass. On one of them is the Balize fort: there are no troops stationed there, and I think there is but two houses at the fort—one of them is occupied by the pilots; the other is the residence of the revenue officer. There are no inhabitants from this to Fort Plaquemines; this fort is on the right bank of the river, as you go up,

and about 30 miles from the Balize. It was first built by the Spaniards, and is now rebuilding by our government—it will mount 30 or 40 guns, and is garrisoned by about half a company of the old artillery corps, commanded by lieutenant Welsh. There is another fort building at the English Turn, on the left hand side of the river: this fort is about 20 miles below New Orleans, as the river runs, but not half that distance in a direct line. The river from the Balize to New Orleans, is from half to three quarters of a mile wide. In the channel it is from 50 to 100 fathoms deep, and its current from 4 to 5 miles an hour; it is very crooked. The shore is so bold most of the way from this place to the mouth of the river, that a ship of 300 tons burthen can lay along side of it as close as to a wharf. The land descends gradually from the river on each side, until it is lost in the salt water lakes that communicate with the gulph of Mexico, which generally is not more than from 6 to 10 miles wide. These lakes afford oysters in great abundance. The surface of the river is considerably higher at present than the land, on either side, and is prevented from overflowing by *levees* of earth, raised on its margin.

There is a law of the territory to oblige the owners of land on the river to keep up their levees. I am informed that three hundred miles above this, there are salt lakes that afford excellent oysters within 6 miles of the Mississippi. The narrow tract of land contained between the river and the lakes, on each side of the Mississippi, is cut into islands by the innumerable *Byous*, or narrow

streams breaking through the banks of the river, and making their way into the gulph of Mexico. There is no lands worth settling at present between the Balize and Fort Plaquemines.—In the neighborhood of the fort are several rice plantations. The land from the fort to New Orleans, grows better progressively, but none of it is worth settling more than from half to three quarters of a mile back of the river on either side. There are valuable rice and sugar plantations on the river between New Orleans and Plaquemines.—Oranges grow in abundance at almost every plantation. Aligators, at this season of the year, are to be seen in the river in great plenty.

New Orleans is situated on the right bank of the river Mississippi, as you ascend it, in lat. 29 deg. 58 min. north, long. 15 deg. 10 min. west, from New York. The city is in regular squares. The streets are about 30 feet wide including the side walks, which are of brick: the middle of the streets are not paved.

You may form a pretty tolerable idea of the situation and extent of the city by the following list of streets:—Levee street runs parallel with and adjacent to the river: the other streets on the same parallel are Conde or Chartre street, Royal, Bourbon, Dauphin, Burgundy, and Rampart streets, seven in number. The transverse streets, beginning at the lower end of the city, are Garrison, Hospital, Ursuline, St. Peter, Toulouse, St. Louis, Conti, Breuville and Custom House streets, thirteen in number. Between Custom House street and the upper Fauxbourg, is a valua-

ble rope-walk. The public buildings of the most note are, the barracks, Convent and Chapel, which, with their yards, out-houses and gardens, occupy the four squares made by the intersection of Hospital and Chartre streets. Three of these squares belong to the convent, and the other to the public barracks.

The Principal and Calleboos, or City Hall and Prison, is a large building, two story high of brick, it has been a showy building, is situate at the corner of St. Petre and Chartre streets. Next adjoining the Principal, on Chartre street, is Peter's Church, about the size of St. Paul's in New York; it is built after the ancient Gothic form, and has a venerable appearance. The public square is in front of these two buildings, and extends to the market, which is on the Levee. The Custom House is a new brick building, and stands between Levee street and the river, a little above the intersection of Custom house and Levee streets.

The Exchange Coffee-house is in Conti, between Chartre and Levee streets. The Theatre and Museum are nearly opposite to each other, in St. Peter's street, between Bourbon and Royal streets. The Charity Hospital is on the Commons, fronting the upper end of Toulouse street. The public market is between Levee street and the river, and extends from Main to St. Peter's street, across three squares. The houses are mostly but one story high and built more for convenience than for elegance. There are but few elegant houses in the city.—There are some very elegant buildings in the Fauxbourgs, and some as beautiful seats as I ever

saw, a few miles out of town. Fort St. Charles is between the city and the lower Fauxbourg, and about 200 yards from the barracks. Hospital street is continued from the city to the Bayou St. John, about two miles. It is settled all the way. There is a draw-bridge over the Bayou at this place, and some very tasty seats near the bridge, four miles down the Bayou; from this bridge you come to Lake Pontchartrain where there is a fort nearly complete, which will mount about seven guns.

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CLERMONT SHEEP SHEARING.

Clermont, June 29th, 1809.

To Samuel Bard, M. D. President of the Agricultural Society of Dutchess county.

DEAR SIR,

When I last had the pleasure of seeing you at Hyde Park, you appeared to think that the account which you published of my sheep shearing two years ago had much effect in forwarding my favourite plan of finding a new staple for the United States, and opening the eyes of our fellow citizens to the advantages that would result to them, and the community, if the Merino was substituted to the common sheep. I required no other inducement to repeat the experiment upon a more enlarged scale: and the rather as I could now do it with more ease to myself and without apprehending the errors which interruptions from company or business might have occasioned. Mr. Briggs, in

whose accuracy I could confide, undertook the task, in which I occasionally aided him.—The enclosed letter and report embraces every object I had in view from the investigation, and presents such results as leave no excuse to prejudice or indolence for neglecting to cultivate this invaluable stock.—I have seen with some pride and much pleasure that my efforts to introduce these sheep have not been ineffectual, and as I number you with the earliest of my disciples and place you at the head of those whose principles and examples have had most weight with intelligent farmers, I have availed myself of your name to introduce this communication to their notice, and the rather as your suggestions gave birth to it. I am fully sensible that plain facts, and obvious deductions from those facts make more forcible impressions on the mind than laboured and eloquent reasoning.—If therefore I extend the limits of this letter it will be merely to place the facts mentioned in the enclosed in a still stronger point of light, and to subjoin others which do not appear in Mr. Brigg's report. You see that with a view to ascertain the proportion which the fleece bear to the carcass I directed a number of the sheep to be weighed. I regret that this had not occurred to me before the higher grades had been shorn and turned out; but from the average weight of their fleeces and their general size, I think the result would have been similar to that drawn from the half and three fourths blood, which I own differed greatly from any opinion I had previously formed, and I should have suspected some error had I

not been myself present at the weighing. For the still greater certainty I had a ewe weighed that happened to be under the shears, when Mr. Schuyler and Mr. R. Tillotson accompanied me the barn. The neat weight after shearing was 61 lbs. that of her fleece 7 pounds two ounces, about one eighth of her weight of carcass, though she had a lamb of three months old. The average proportion however of the ewes fleeces to their weight appears by the report to have been one to ten and a half, while that of the common ewes was one to twenty. As the consumption of food in animals of the same species must (generally speaking) be in proportion to the carcass, it will follow that one pound of common wool worth three shillings, costs as much hay and grass as two pounds of wool from a 3-4 Merino worth two dollars and fifty cents. It should be understood that these sheep were not washed, which however makes no difference in the comparative result, since the common sheep were also shorn without washing, or in the price, as the wool was sold at the price stated in the report as it came from the sheep's back.—I might add that though the Merino wool loses more than common wool when scoured, yet that in washing on the sheep's back it loses much less. Doctor Parry says the loss is only one ninth, while common wool loses a fifth. My sheep were however kept as clean as possible, having been littered all winter and fed from racks. The tags and dirt was taken off before the wool was weighed. It is observable that the proportion of wool to the carcass is not the same in the males as in the females,

probably because of their great weight of bone and horn; thus the Tup Clermont weighed without his coat 126 lbs. his fleece 9 pounds 6 ounces; his wool therefore was to his carcass when shorn as one to twelve and a half. Ram-boulet weighed 140 lbs. including his coat, and his fleece nine pounds; the general average may I think be stated as one to fourteen, while in common wethers it is as one to twenty-seven. I found the weight of our wethers to be about 128 lbs. the average of their wool to be about 5 lbs. if well kept. In this difference between the males and females we may probably find a reason for the Spanish shepherd's destroying the ram lambs. It is certainly from this view of the subject, much less profitable to keep wethers than ewes.—The tables state the quantity of wool and the price at which it sold. From these then it appears that the gross weight from 230 sheep was \$ 1068 68 cents, leaving 765 clear profit, after paying 150 cents pr. head for the keeping. It is observable, that upon the 29 common sheep composing part of this flock, if the fleece only is taken into consideration, there was a loss of 3 cents pr. head, is that the profit upon two hundred and one Clermont Merino's of different grades amounted to seven hundred and sixty seven dollars, instead of a loss of six dollars and three cents; which would have been incurred had the flock been composed entirely of common sheep. To the profit of the wool must be added that which arises from the increase. I raised 140 lambs—the estimate of their value must be arbitrary if we consider them as a stock in the market, because the

demand may be uncertain. Let us then take up a rule applicable to every man's situation. I will suppose every lamb to be worth twice the value of his fleece, or in other words to pay fifty per cent. upon his prime cost yearly. This I believe will be deemed a rich return even though the capital should sink in ten years (the life of a sheep) the lamb will more than pay the expense of keeping.—The estimate may then be made from the value of the fleeces as contained in the report without deduction.

33 half bred lambs, at	
\$ 7 6 cents.	232 98
54 three fourths do. at	
\$ 12 50	675 0
23 seven eighths do. at	
\$ 15 36	353 74
25 full bred and 15-16	
at \$ 20 50	512 50
Amount of wool as per	
report,	1068 68
	—— —
	2842 90
Deduct expense of keep-	
ing at 150 cents per	
head,	345 0
	—— —
Clear profit,	\$ 2497 90

Five lambs are omitted to make up casualties.—Had the flock consisted of Common Sheep, the amount would have been thus,

140 lambs at 150	
cents,	\$ 210 0
Loss of 3 cents	
on each fleece	6 90
Profit on 230 com-	
mon sheep	203 10
	—— —

Difference between them	
and mixed Merino	
flock,	\$ 2294 80

These calculations are not made from the selling price nor even on the intrinsic value of the sheep, for surely 25 per cent. would have been thought an ample profit, in which case the value of the lambs would have been carried to twice the amount that I have stated, and the clear profit have been \$ 3299 48, upwards of 14 1-2 dollars per head. It may be alleged that when Merino sheep are common the price of their wool will fall. Admit the fact for a moment; will not the price of other wool fall in proportion, will not the Merino then still maintain its relative superiority? Again, supposing so great an absurdity as that fine and common wool should be equally valuable, as it appears by the above table that the Merino gives twice the wool in proportion to its carcass, and it is known to afford mutton of superior quality, must it not be the interest of the farmers under every circumstance to prefer them? But it is by no means clear that the price of fine wool will fall when the quantity at market shall increase. When an article is intrinsically useful the consumption grows as the means of obtaining it is facilitated. When cotton was introduced in the southern states the same argument might have repressed the ardour of the planters, and they should have continued to raise tobacco and indigo least the increase of cotton should reduce the value. The contrary effect has however resulted from their exertions; fifty pounds of cotton are now consumed where one was thirty years ago. Let it be remembered too, that cotton is in some sort a luxury, while wool is a necessary of life; wool is employed in a va-

riety of manufactures in which cotton cannot be used, while there are few manufactures to which cotton is applied, which would not be much more highly estimated if fabricated of Merino wool, which is capable of being spun as fine or finer than cotton; witness the India and even the French shawls. How many years will roll away before the sheep of Europe and America are converted into Merino's? How long will it take to supply the void which is doubtless made in this valuable stock by the convulsions in Spain? How many machines will be introduced which by reducing the price of labour extend the consumption of a manufacture while they add to the price of the raw materials? This subject appears to me in a still more interesting point of view when I consider its influence upon the general mass of the people. It enriches the farmer, it affords employment to the manufacturer and to the family of labour, and it saves an immense capital to the community. But this is not all, it is consoling to humanity to think that it can bring ease and comfort within the reach of every middling farmer; it requires no capital to enable him to commence his undertaking. He need not ten talents to make other ten; let him not bury his single talent if he possesses but one, and he will soon be on a footing with his richest neighbour. Both may tend to the same goal without jostling each other; there is suf-

ficient room for the exertions of all. The abler farmer will get out indeed with some advantage in the purchase of a higher bred ram, the poorer will however overtake him though he sets out with less advantage, since he is creating capital as he goes. If he sets out with a tup of inferior grade, provided the form, figure and fleece is good, in the profits of his flock he will find the means of advancing to higher improvements.—The price of a tup is not cash expended but money put out on interest since their fleece will pay near twenty per cent. upon the capital. A small sum saved out of any casual expenditure puts the farmer in the road, and with very little attention he will progress to wealth and ease. Should I profess to teach the husbandman how to make two bushels of wheat grow where one of rye now grows, would he not say, teach me this and I shall soon be as rich as I would wish to be? Have I not this? Have I not shewn him how to make two pounds of fine wool grow upon the same pasture that now yield only one of coarse? Is not this substituting wheat for rye, and more than doubling the produce of his soil? Let him thus be as rich as he wishes to be, and let me enjoy the satisfaction of thinking that I have contributed to his prosperity.

I am, with much esteem,

Dear Sir,

Yours, &c.

ROBT. R. LIVINGSTON.

<i>Number of Sheep.</i>	<i>Quantity of Wool.</i>	<i>Average of each.</i>	<i>Price sold at.</i>	<i>Value of fleece per head.</i>	<i>Amounts total</i>	<i>Profit and loss, deducting 1 doll. 50 cts. for keeping per head.</i>
29 common	wt. oz. 114 4	wt. oz. 3 15	\$ 0 37½	\$ 1 47	\$ 42 84	Loss on fleece \$3
83 half blooded ewes	393 7	4 11	75	3 53	295 12	Gain on do. 2 3
47 do. do. wethers	236 4	5 6	75	4 11	177 19	Do. 2 55
30 3-4 blooded ewes	156 6	5 5	1 25	6 25	189 25	Do. 4 75
3 do. do. wethers	16 6	7 7	1 25	6 83	20 49	Do. 5 25
27 7-8 do. ewes	139 9	5 3	1 50	7 69	209 34	Do. 6 18
7 full do. ewes	36	5 2	2	10 25	72	Do. 8 75
RAMS.						
Clermont, 14 mo. old	9 6	9 6	2	18 75	18 75	Do. 17 25
Rambouillet,*	9 9	9 9	2	18	18	Do. 16 50
Columbus, and Hornless	12 14	6 7	2	12 85	25 70	Do. 11 35
					1068 68	

* These two rams had been put out, and were returned very much reduced, with a considerable portion of the wool out; they have usually yielded the one 8 1-2 lb. and the other 7 1-2.

Sheep weighed in order to ascertain the proportion between the wool and carcass.

<i>Number of Sheep.</i>	<i>Weight of carcass.</i>	<i>Weight of fleece.</i>	<i>Average of carcass.</i>		<i>Average of wool.</i>		<i>Proportion of wool to carcass.</i>
	wt.	W. O.	W.	O.	W.	O.	
5 common	85	4 12					
	69	2 12					
	75	6					
	98	4					
	85	3 12					
	412	21 4	82	6	4	4	1 to 20
12 half and three quarter blood Ewes.	73	5 8					
	60	6 4					
	63	6					
	64	5					
	65	5 10					
	68	5 8					
	53	5 2					
	59	7 8					
	69	6 11					
	69	5					
	61	7 2					
	52	5 8					
	756	70 13	63		5	14	1 to 10½
4 f. b. rams							
Clermont							
14 mo. old	126	9 6					
Ramboullet	140	9					
Columbus	123	5 8					
Hornless	122	7 6					

We owe, the following interesting description of the district of Mobile to H. Toulmin, Esq.

A GEOGRAPHICAL AND STATISTICAL SKETCH OF THE DISTRICT OF MOBILE.

SITUATION.

The tract of country which we have denominated the district of

Mobile, is situated in the eastern part of the Mississippi territory, and comprehends the county of Washington on the Mobile* and its tributary streams, and the new

* So called by the French probably on account of the uncertainty of its freshes. Mobille instead of Mobile, is a name very lately introduced probably from inadvertency.

county of Madison in the great bend of the Tennessee.

The district of Mobile, as laid off for the purpose of collecting duties on imports and tonnage, comprehends the shores, waters and inlets of the bay and river Mobile and others emptying into the gulph of Mexico west of the Mobile to the Pascagaola inclusive. That tract of country which we have here denominated the district of Mobile lies between the 31st and 35th degrees of north latitude, and according to the maps, between about the 7th and 12th degrees of longitude west from the city of Washington.

BOUNDARIES.

The district is bounded on the north by the Tennessee state line, on the west by the Pearl river, and a* line running due North from its source to the Tennessee line; on the south by the boundary line between the United States and Florida, and on the east by the Chatahouchee river, as far as the mouth of the Uchee, and from thence by a direct line to Nickajack on the Tennessee river, and by that river itself, from Nickajack, up as far as the southern boundary of the state of Tennessee.

EXTENT.

From Mr. Ellicott's survey of

* The proclamation establishing the county of Washington, made the territorial boundaries upon the north, east and south, and Pearl river on the west, the limits of that county. The northern territorial boundary at that time crossed Pearl river: but the territory has since been extended so as to throw its northern limits above the sources of Pearl river.

the national boundary at the 31st degree of north latitude, it appears that Pearl river the western limits of this district, is 106 miles from the Mississippi, and that from Pearl river to the Mobile river it is 100 miles, and from thence to the Chatahouchee the western limit of Georgia 175 miles—making the whole extent of the district on the boundary line 275 miles. It appears in like manner from a map lodged in the war office by capt. E. P. Gaines, that from the upper end of the Muscle Shoals on the Tennessee river due south to the national boundary it is 262 1-2 miles, which after adding the distance from the Muscle Shoals to the Tennessee state line, will make the whole length of the district of Mobile about 280 miles.

So that this district, the existence of which is scarcely known to the American people, probably contains a greater number of square miles, than the important states of Pennsylvania or New-York. However, as a great proportion of it is claimed by the Indians, that part to which the Indian title has been extinguished, and which is partially settled by the citizens of the United States, approaches nearer to the extent of Maryland, New-Jersey or Connecticut.

The United States have the absolute right of soil and jurisdiction from the Pearl river to the Creek line, but a few miles east of the eastern channel of the Mobile. The northern boundary between the land of the United States in this district, and the Choctaws, is where it crosses Pearl river, 52 miles north of the national boundary, but the eastern termination, on the dividing ridge,

between the waters of Tombigby and Alabama, will probably be found (for the commissioners are now engaged in running it) to be considerably farther north from the Spanish line.

SOIL.

The soil of this district varies considerably in different parts of it. For the first 40 miles above the national boundary, the good land is, generally speaking, confined to the low grounds, of the larger water courses. The swamps, as they are called, of Pearl river, of the Estobacha and Chickasawhae, forks of the Pascagola, of the Mobile river, and of the Tombigby and Alabama, forks of the Mobile, are extensive, rich and productive. The higher parts of the swamps are thickly covered with amazingly large and lofty cane, and the growth of timber, is cotton-wood, gum, oak, bay, laurel, magnolia. The lower swamp lands have no cane, but a magnificent growth of cypress is intermixed with other timber. The highest part of the swamp, is generally nearest the river. There are no *levees* or embankments, as on the Mississippi, and the floods which occur in a greater or a less degree every year evidently increase the fertility of the land. The breadth of our river bottoms or swamps, varies very considerably. Probably they are for the most part from one mile to three miles wide, but more frequently less than two miles, than more than that width.—Below the division, indeed, of the Mobile river, between Fort Stoddert and the line, the whole of the river swamps including that of its three channels, is from eight to ten miles

wide; and the same may be said of the land lying in the forks of the Alabama and Tombigby, for the space of a few miles above their junction. The other lands through this large extent of country, are generally open pine woods, affording good range for cattle, immense supplies of lumber, pitch, tar and turpentine, but whilst, unmanured, affording no encouragement to tillage.

The same general observations which are here made, as to the country 40 miles above the national boundary line, will apply to the country below the line; except that where you approach within 20 or 25 miles of the sea coast, the pine lands, instead of being diversified by hill and dale, as they are above, become a dead and uninteresting flat, a great part of which is in the rainy season covered with water, so as to render it unpleasant, though not impracticable to travel through it.

At a greater distance than 40 miles from the national boundary, as you proceed northward, the face of the country and the natural soil considerably changes.—Large bodies of fertile land, are then found at a considerable distance from the Tombigby river, and instead of the long-leaved pine alone, you behold a diversified and luxuriant growth of white oak, black oak, gum, magnolia, hiccory, walnut, cherry and poplar. And the same observations hold good, not only as to the land west of the Tombigby, but likewise with regard to the land lying in the forks of that river and the Alabama. Not however, that in either place, there are compact bodies of such rich lands, extending over a country of a great many miles in circuit, as in Ken-

tucky and the state of Ohio; but there are several parcels of such land sufficiently large to support respectable settlements.

As to the part of the district which lies in the great bend of the Tennessee, and forms the new county of Madison, the writer of this article can speak with no precision about it. The country however, in the Great Bend, has been uniformly represented, as containing a fine body of land of excellent quality, and the rapid formation of an extensive settlement there, as soon as the Indian title was extinguished, established the truth of this representation. The land is said to be rich, but very broken. The water courses all afford good land:—and so indeed do the hills, but they are frequently too steep to admit of cultivation.

PRODUCE.

The actual produce of this country consists principally of Indian corn, and cotton. The river low lands, where not too wet, are probably as well adapted to the cultivation of those articles, as any land in America; and it is a circumstance very favorable to the opinion that the *Sea Island* cotton would flourish well in the lower part of this country, that the *green seed* cotton has a perpetual tendency to change into the smooth *black seed* cotton, whereas in situations not favorable to the cultivation of the latter, it is said that it regularly degenerates into the former. The pine lands also, with the assistance of manure, provided the soil be sufficiently tenacious to hold it, will afford tolerable crops of corn and cotton: but no such assistance is

necessary in the oak and hickory lands above, and much less on those rich bodies of land, which in a state of nature produce walnut, poplar and cherry. Some wheat, rye and oats for family consumption, are likewise raised in the good uplands; but wheat is by no means a certain or important crop. Small quantities of rice are cultivated in the river swamps: and there can be no doubt, but that there are many thousands of acres very advantageously situated as to tide water, and at present useless, which might be profitably devoted to the production of that article.

Indigo, it is probable, would likewise be worthy of attention. Whether the sugar-cane would answer in the lower part of the district, has not yet been subjected to experiment. It is said not to admit of cultivation in so high a latitude of the Mississippi; but it is probable that the influence, which the nearer position of the sea has upon the climate of the country on the Mobile, would justify the cultivation of the sugar-cane on that river, in a latitude in which, on the Mississippi, it would be attended with no advantage.

Tar, pitch, turpentine and lumber, will no doubt become objects of great magnitude in this country, when a deliverance from Spanish oppression shall give free scope to the exertions of its inhabitants. The pine timber which grows here is remarkably magnificent, and it is esteemed to be the best kind of pitch pine. It is so abundant and stands so close on the ground, that in the space of three or four acres you will frequently find straight logs of 70 or 80 feet in length, sufficient in

number to build a large log house. Saw-mills, therefore, will become a valuable article of property, and there is no country probably in which the streams of water are more permanent. We have no meadows, no artificial pastures, no timothy, no blue grass, no clover; we have but little fruit; apples are scarcely known; peaches are scarce, and yet both appear to flourish well, where attention has been paid to the cultivation.

CLIMATE.

The climate of the Mobile country is unquestionably highly favorable. The winters are mild, and the summers, though longer, not materially hotter than they are several degrees further to the northward. The direct heat of the sun is no doubt very great in the summer, and very unpleasant to strangers: but those who are accustomed to it, whether negroes or white men, appear to work under its powerful influence, without any material inconvenience: the heat is seldom oppressive within doors, and the nights are more comfortable than they are even in Virginia. We have but little ice, and rarely any snow. A few flakes fell, but none in the lower part of the settlement, made any appearance on the ground during the last winter.—The cattle, so far from wanting any winter supplies from the industry of the summer, will not in general eat either hay or corn: nor do they require any salt. Indian corn may frequently be planted with success early in March; but it will come to maturity, tho' not planted till the middle of July. In the spring water of this country, near the 31st degree,

Farenheit's Thermometer stands at 69 degrees, which agrees with the mean annual temperature in the same latitude, as ascertained by the ingenious Mr. Kirwan.—He sets it down for the standard situation, the Atlantic Ocean, at 69 deg. 9 min. The following extracts from a thermometrical register kept in the years 1807 and 1808, near fort Stoddert, will give the most accurate idea of the vicissitudes of our seasons. Those observations shall be selected which were made in the warmest time of the day and at 10 or 11 o'clock at night: and the hottest and coldest days in every month shall be noticed. The thermometer being completely in the shade unless the contrary be particularly mentioned.

"On the 15th April, 1807, being the hottest day in the month, the thermometer stood early in the afternoon at 82 deg. and at 71 deg. at night.

"On the 2d April, being the coldest day, at 52 deg. at 2 o'clock.

"On the 17th May, the hottest day, it stood at 90 degrees and 80 degrees.

On the 23d May, the coldest day, it stood at 66 degrees and 61 degrees.

"On the 6th June, the hottest day, it stood at 90 degrees and 82 degrees.

"On the 28th June, the coldest day, it stood at 82 degrees and 69 degrees.

"On the 10th July, the hottest day, it stood at 94 degrees and 78 degrees.

"On the 29th July, the coldest day, it stood at 74 degrees and 65 degrees.

"The result of 23 observations in this month, taken in the hottest

part of so many days, gives 86 degrees as the mean heat."

The only observation made in August was on the 2d, when the thermometer was at 88 degrees, at 4 in the afternoon.

On the 5th of September, the hottest day in the month, it stood at 95 and 80 degrees.

On the 8th, the coldest day, (thirty-six hours of rain having intervened, since the 5th) it stood at 74 degrees only at 3 in the afternoon.

The mean temperature of this month in the hottest part of the day, calculated from 22 observations, was 84 degrees.

In January, 1808, (for the register of the intermediate months is mislaid) it was at 55 degrees on the 8th at noon, at 61 degrees on the 9th at 3 in the afternoon, at 56 degrees on the 21st at 2 P. M. and at 60 degrees at 10 P. M. rain having intervened.

On the 24th it was at 34 degrees at 8 A. M. at 52 degrees at 2 P. M. and at 76 degrees in the sun, and at 34 at 10 P. M.

On the 12th February, the warmest day in the month, it stood at 79 and 62 degrees.

On the 8th, the coldest day, at 56 and 43 degrees.

On the 29th, in the sun, at 2 P. M. it stood at 99 degrees, it was then 71 in the shade.

On the 28th March, the warmest day in the month it stood at 86 degrees at 3 P. M.

On the 21st, the coldest day, it stood at 63 and 55 degrees.

To the bulk of readers these details will afford no satisfaction: but to others they will be highly interesting, and will communicate a much more accurate idea of the climate, than the more amusing descriptions which might be writ-

ten under the dictate of corporal sensation. The progress of the spring may probably be gathered from the following memorandum. April the 2d the trees in the swamps in leaf: peach blossoms gone: green peas just in bloom. April 12th, peas (planted in Feb.) in pod; peaches the size of a hazel nut.—Fig trees in leaf. May 2d, green peas at table, which were planted in February. Strawberries ripe. May 16, mulberries ripe, blackberries, dewberries and whortle berries ripe. May 13, cucumbers large and in perfection. We have no glasses or hotbeds to force vegetation. June 29th, roasting ears at table. Lettuces and cabbage, though the latter do not head well, stand out very well all the winter.

In point of health, this climate is favorable or otherwise, according to local circumstances. The prevailing diseases are those of the class of cachexiæ, and the fevers usually termed billious.—Where our powerful southern sun brings the swamp miasmata into action, diseases seem to follow of course, and none but negroes well accustomed to the climate, can safely take up their residence in the low grounds, on the banks of our rivers. That grade of fever however, which is termed the yellow fever does not seem to have made its appearance here: the high lands are probably as healthful as any so far to the south, and it is usual for those who cultivate the swamps, to have their residence in the pine woods, at some distance from their plantations.

STOCK.

Almost the only stock of the

country on the Mobile and its waters, are horned cattle, hogs and horses. The stocks of horned cattle are numerous. Many of the inhabitants have from 500 to 1000 head. The only expense attending them is that of keeping them together, driving them off to a distance from the settlements in the fall, visiting them occasionally in the winter, to prevent the depredations of the Indians, and collecting them in the spring at their respective cow-pens. The cows, however, do not generally have calves more than once in two years, and the milk they give, is far less in quantity than is given by cows in more northern countries. This is owing probably in part to the heat of the climate, and partly to the persecutions of the numerous swarms of flies that perpetually torment them. They are rarely milked in the winter, as they are then kept at a distance from the habitations of their owners. The usual price of a cow and calf is 12 dollars, and of beef, from three to three and a half per hundred weight. Hogs are easily raised. In favorable seasons they fatten in the woods:—but if they are not fed occasionally, they are very prone to go wild. The price of pork is generally six dollars per hundred weight. The enemies of the hogs and calves are the wolf and panther, and pigs are likewise frequently destroyed by the wild cat and the alligator.—Horses are not numerous. There is a sufficient quantity to answer the purpose of the inhabitants—but they are seldom raised for sale. A small breed of Indian horses seems the most hardy and best adapted to the climate—but the fine horses imported from the northern states, appear peculiarly

liable to be affected by diseases similar to those which most frequently attack the human species. Sheep are scarcely known. There are not probably one hundred head among all the settlers in the county of Washington. The few, however, which are kept, are healthy and thriving; but the wool is generally coarse, and some of them have a tendency to be hairy.

POPULATION.

The number of inhabitants in the county of Washington amounts to about five thousand. The population of the county did not probably exceed two thousand; but the emigrations from Georgia and other states have recently been very considerable as to numbers, though not as to wealth. In the county of Madison, it is said there are several thousands.

STATE OF SOCIETY AND IMPROVEMENTS.

The people are considerably dispersed, and have enjoyed but few opportunities for mental improvement. We have no colleges—no permanent schools, no regular places of worship—no literary institutions—no towns—no good houses, and but few comfortable ones.

Not many of our plantations exhibit any appearance of neatness, and the greatest part of our cotton, and a large proportion of our corn, is raised in open fields in the river swamps, without even a fence to protect it. There are no manufactures carried on, except some small ones of cotton in the household way. There are but few mechanics, and scarcely any professional men but lawyers.

This disheartening prospect originated partly, perhaps, in the negligence of the inhabitants, but still more probably in other causes. The country long languished under the Spanish government.—After the Americans obtained possession of it, the titles to land were for some years unsettled.—But what has more than all retarded the prosperity of the district is its insulated situation and its political connection with the Mississippi territory. Our neighbors on every side are Indians or Spaniards.—We naturally catch their spirit and manners. We have heretofore been too small to form a distinct political community; and our being hung on to a territory, the seat of whose government and population is so remote from us, augmented the contemptibleness of our natural situation, and discouraged the approach of men, whose wealth and energies are necessary to make a country thrive. The rivers of this country, not extending as the Mississippi does, through populous settlements of civilized men, bring no visitants to our district, and the attention of emigrants by land, who have any money to spend, is naturally fixed on that part of the southern country which has some political consideration which is more likely than ours, to engross the care and the power of the local government, and to enjoy a representation in the national legislature.—Hence this country from its first settlement has received but a small accession of agricultural or domestic improvement, of learning or of taste.

TRADE.

The people of this district usu-

ally dispose of their beef, pork, and corn to the Spanish subjects in Mobile and Pensacola. Corn usually sells at a dollar per Spanish barrel, which is at the rate of 66 2-3 cents per bushel. The cotton commonly goes to Orleans, but is compelled to stop at Mobile and pay a duty of 12 per centum ad valorem. As our population increases, our trade will assume a more respectable character. We are close to the Havanna. Thither, and to the West Indies generally, will go our provisions, our tar, pitch, turpentine and lumber. Our cotton will be transmitted direct to Europe; for vessels drawing not more than 13 or 14 feet of water can come more easily to Fort Stoddart, six miles above the line, than they can go to New Orleans.—Nor indeed will they meet with any obstruction in proceeding 40 miles farther, to St. Stephens, which may be regarded as the head of our navigation for sea vessels, and at the same time the centre of our population. Above that, there is an excellent boat navigation almost to the heads of the Tombigby, the depth of water in the shallowest places where there is a tolerable fresh, being four feet. Both forks of the Alabama are likewise navigable; and it is much to be lamented, that the first adventure down that stream, with the produce of Eastern Tennessee, has, it is said, been stopped by a band of worthless Creek Indians, to whom the want of a superintendant of Indian affairs in this country has long given a latitude of behaviour and a confidence in villany, to which a speedy check is demanded by the honor of the United States, and the interests of this settlement.

AMERICAN LOCUSTS.

The American Locust is very unlike any of the various kinds which have appeared in the eastern hemisphere. Instead of that dreadful scourge, the curse of Egypt, and the dread of all Europe, it visits us as nothing worse than a very uncouth musician, and destroyer of a few small twigs on our fruit trees.

Our locusts is a thick, clumsy insect, about an inch and a half in length, and, in the bulbous part, about three-eighths of an inch in thickness. Its colour is a dusky brown.—It has four transparent veiny wings; four legs jointed like a lobsters; a bill about one-fourth of an inch in length, which always lies close to the breast.—The neck very short; the head about the length of the bill, and shaped like the head of an ox.—The eyes project a little more than a hemisphere. They are without eyelids, enclosed in a horny transparent substance. The basis of the eye, except the sights being of a light red color, the whole eye has a reddish appearance. The bulbous part of the body consists of seven rings.—Just where it joins upon the fore-part, under each pair of wings, the male has a kind of white bladder like a piper's wind bag, or bellows, which serves as a musical instrument, for raising a note, much like the croaking of a small frog. He sounds this about four seconds, then discontinues it the same length of time; and so on alternately, in fair weather, from day light till about three o'clock in the afternoon. But they are so numerous, that you hear but one continued sound. The incessant grating of these harsh dis-

cordant notes is very disagreeable. The males are perfectly harmless in all other respects.—The females being destitute of these musical organs make no noise. They have a kind of dagger projecting from the belly, about half an inch from the posterior extremity, formed of two spines, so close together, that they appear to be but one. With this they make incisions into small branches of trees, where they deposit vast numbers of eggs. Either the eggs or daggers, possess a quality very destructive to vegetation. In three or four days after the eggs are deposited, the limb dries from the incision to the end; and the leaves change to the color of falling leaves of autumn. This is all the mischief done by these insects. They never eat any thing at all. This I know to be a fact, by a series of observations.

When locusts first appear, they are much sought by swine; and they grow fat upon them. After a few weeks they become almost destitute of animal fluid. But the males continue to sing till they become so dry that the bulbous part of the body may be pulverized like snuff. They will sing several minutes after their heads are pulled off; separate all parts, head, wings, legs and all the body from the part supporting the musical organ, and the singing will be continued in the usual way, about a minute.

The process of the locusts from the egg is this.—The limb in which the egg is deposited breaks off at the lowest incision, falls to the ground, and scatters the eggs from which a worm is hatched by the heat of the following summer. The worm crawls into the

earth to a depth, proportioned to the looseness of the soil. In the loomy soil of Columbia and Green counties about six feet. At its greatest depth it changes to the chrysalis state, and thence to the state in which it emerges from the earth. This process is familiar to every one, who has frequently seen wells and cellars dug.

As soon as it emerges from the earth, it crawls very slowly up whatever bush, tree, stump, or other thing it meets with first.— There after fastening its feet firmly, it cracks open on its back, just below the shoulders: doubles up into one third its length, and gradually draws out its legs and wings, and, in about an hour it is entirely disengaged from its old encasement. (This old shell is left standing; and it remains so several months after the whole generation of locusts are left extinct.) After the locust has stood in the sun, till thoroughly dried, it flies clumsily about like the common large black night bug.

I have not ascertained, how large a proportion of the United States is visited by these dekasennial insects. They are most numerous in dry warm soils.— They have not visited the country to the west of Catskill mountains, as far back as I have travelled, which is about fifty miles; although upon the east face of the mountain they are numerous.

Nothing is more certainly ascertained, than that their visits are regularly every 17 years.— There are several old men in the neighbourhood of undoubted veracity, who remember four of their returns.

As to the season and duration of their visits; I recollect, that in

the year 1792 they began to appear in the eastern part of Columbia county, at the time of the first hoeing of Indian corn, and that a few scattering ones remained till the commencement of harvest. This year a few scattering ones appeared about the first of June; but on the morning of the 10th, they came up in swarms. I counted eighty upon one chesnut saddle, which came up and left their shells that morning. The last which I heard or saw alive was the 18th of July. Their carcasses were, at that time, as thick in some woods, as leaves in autumn.

From their very first to their last appearance in and about Catskill was about seven weeks. But they were not numerous longer than four weeks. I think, four weeks is about the full term of a locust's existence, in the winged state.

AMERICAN LAKES.

REASONS FOR SUPPOSING THAT THE GREAT LAKES OF NORTH AMERICA, WERE ORIGINALLY COMPOSED OF SALT WATER.

From Mitchell's Tour to Niagara.

The remains of marine animals throughout the continents of the earth have long been cited as proofs that the ocean formerly covered them; lithophytous and testaceous substances are so numerous, and distinguishable, that in the present case the mind is easily led to this conclusion. They abound the greater part of the way from Cayuga to Buffalo and Erie through the counties of Se-

neca, Ontario, Genessee and Niagara, a distance of more than one hundred miles. They are found also in Montgomery, Madison, St. Lawrence, Oneida, and other counties. At the remarkable sulphurous spring in the town of Phelps, eleven miles northwest of Geneva, they appear like coralines and madrepores. On both sides of the Genessee and Tonewanto rivers, they resemble marine shells, while on the east and west banks of Niagara river, they assume, in addition to the already enumerated forms, those that have erroneously been called petrified wasps-nests and honey-combs. In some cases these calcarious petrifications are blended with pyrites; and in others, they are impregnated with a petroleum or bituminous matter called Seneca oil. On viewing these appearances, the mind recurs to the unascertained time when oceanic water of the primitive globe rolled over this land, and afterwards on the emergence of the latter, withdrew to valleys and lower receptacles. The saline waters were thus collected in the places they have since occupied, while the upland became bare and dry, on the subsidence of the deluge.

It may therefore be reasonably concluded, that the inferior seas, now miscalled lakes, were originally filled with salt water. Their present freshness, on this supposition, is the consequence of the dilution they have undergone, changing them from briny seas to fresh lakes. To understand the subject, let Ontario, Erie and the Upper Lakes of North America, be compared with the collections of salt water, in the other parts of the world.

The Caspian is naturally salt,

and retains that quality because there is no outlet, the waters it receives by the rivers and rains are so nearly balanced by that which goes off by evaporation, that this reservoir has never burst its boundary. The like observation applies to the Dead Sea in Syria. The exhalation from its surface seems to be supplied from the influx of the Jordan.—And there has been no sufficient accumulation to force a passage out. The Mediterranean has a communication with the Atlantic, and its saltness is preserved by the great supplies it receives through the Herculean Straits near Gibraltar. The same remark may be made concerning the Euxine; though the large and numerous fresh rivers which empty into it, co-operating with its more northern and cold situation, impel the saline part of it through the Ter-racian Bosphorus and Straits of the Dardanelles into the Archipelago. Should the supply through the Danube, the Dneiper, the Dniester, the Don and other tributary rivers, be more considerable than the quantity carried off in vapour, the Black Sea must find a discharge into the Egean, and a diminution of its saltness by dilution with river water, be the consequence.—It is accordingly well understood that the Euxine is undergoing the freshening process, which has long ago been completed in the great American lakes.

The *Mexican* presents a case, which strongly corroborates this doctrine. Of the two lakes which impart health and convenience to the city of Mexico, the upper one is fresh and the lower salt. The salt is not a muriate, but a carbonate of soda, like that of the

Nitrian pools of Egypt: the argument loses none of its force on that account. Two streams which enter the upper lake have washed out the alkali, and carried it down to the lower bason. From this latter, in dry seasons, more water goes off by exhalation than comes in by the current.—Extensive shoals are left bare and incrustated with alkaline crystals which the natives gather and sell, when from copious rains this lower lake rises above a certain height, it overflows, as some other ponds are known to do, and finds an occasional outlet.

The inland seas of North America, differ from all those cases, except that of the upper lake of Mexico. They are unlike the Caspian and Judian seas, because these latter have no outlets. They vary from the Mediterranean and Euxine, inasmuch as their supplies are abundant, and the outlets of the American lakes pass along such declivities, and are so rapid and precipitous, that the current always sets vehemently one way, and wholly prevents a reflux, and they can scarcely receive a more apt and happy illustration than the Mexican lakes afford. Their original saltness may therefore be conceived as having been subjected to incessant dilution, and the freshened waters as having left their reservoirs never to flow back.

Under such circumstances where the salt water was constantly going forth, and the fresh water running in, it must necessarily have happened, that the former would gradually be exhausted, and its place occupied by the latter. Thus it may be conceived, that the ancient saltness of our lakes was lost. When how-

ever we survey the marine exuviae on their shores we can with difficulty refuse full credit to these evidences of the former state of things.

When also we reflect that Erie abounds with sturgeons who never visit the ocean, we must conclude that a fish, which used to migrate from sea to river, and from salt to fresh, has gradually been weaned from his marine habits, and become a perfect fresh water animal. The salmon of Ontario is believed by some to be a witness of the same fact. Since the transition, it is said he has acquired the faculty of living without brine, and become contented with the unsalted water of his native lake.

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ERUPTION OF MOUNT ÆTNA.

Melazzo, April 25, 1809.

Monday morning the 27th March was very hot and foggy, and the wind nearly south, but shifting to the westward, towards noon it became quite cool; we were much astonished at this change, for, as it still continued foggy, we could not perceive what we now conceive to have been the cause of the great heat in the morning; but in the evening, when the fog cleared up, a most tremendous eruption of Mount Ætna presented itself to our view. A large blaze which I can conceive to be like nothing but the continuation of the explosion of a ship, issued from the top of the mountain; lower down was a smaller blaze, but from it we observed an immense stream of red lava pouring down, and the

view of its course towards the foot of *Ætna* was only excluded from us by the ridge of mountains which is between this place and Mount *Ætna*. For several nights after the blaze continued, with different degrees of violence, and the lava appeared to have taken two courses, one towards *Randazza* on our right, and the other towards *Langua Grossa* on the left. I can say no more of the eruption as it appeared from *Melazzo*; you must, therefore, endeavor to form an opinion of it from drawings which you may have seen of things of the kind, or from your own ideas of a thing too grand and awful for language to describe.

Our English curiosity is so great, that I am sure more than half the army have already been to see this wonder of nature. I went with two brother officers.—Our first day's march (for we were on foot) was to *Franca Villa*, and on the road to *Langua Grossa*; next day we saw the foot of the lava, it was then passing over a vineyard, and seemed to menace with destruction the house of a Baron of *Franca Villa*; the house was abandoned, and the pictures of saints hung out towards the fire, which the superstition of these people suggests to them as a means to turn its course. By day the lava has the appearance of a heap of rocks and stones, of a color rather like ink, and you see the fire every here and there through the cracks; a great deal of smoke proceeds from it: when close to it, one perceives that it is all in motion, by pieces falling down and the huge stones rolling over, and constantly, though slowly, making its progress over the ground.

Except just at the crater the lava cannot be perceived to be in a liquid state, because, towards the foot of it, it is either all congealed and only impelled along by what is continually pouring out of the mouth of the crater, or what still remains liquid at the bottom, and that at top congealed into immense masses, which have the appearance of rocks. This is the stream of which I before spoke as taking towards *Langua Grossa*; thither we proceeded, and having refreshed ourselves, set out on mules for the craters, which are about six miles or rather more from it; that is, the lower place, for the upper one is about 14 miles above it, and near the summit of the mountain.

There are thirteen craters all in a line above each other towards the summit; these, as we saw them from *Melazzo*, all appeared one, and are quite distinct from the upper place. I will not trouble you with the description of a crater, for they are all formed in the same manner by the ashes which are discharged, and have the same shape as I once before described, when I wrote to you an account of my visit to the top of *Ætna*.—The lowest was the only one which was burning with any degree of violence when we arrived, the others occasionally threw up perhaps a column of black smoke or some red stones, and the lava from them was on the surface cold, going on but slowly.—Near to the lowest crater was a rising ground covered with trees, whose branches were all knocked off by the stones which had been thrown from the crater, (which indeed was the case with all the trees in the neighborhood, for the eruption is

in the woody region;) but between where we stood and the crater was a stream of lava which had flowed from above and joined that which flowed from the lowest, just below the rising ground, having taken its course round it.

We thought it practicable, and wished very much to cross this first stream, and so get on the rising ground to get a nearer view of the principal burning crater: the guides said that it was impossible, and would not go a step further; but we ventured on a little way, always stepping from one large rock to another (they were very hot and burnt our shoes,) and at length got across. It was by far the hottest birth I ever was in; every now and then we saw an immense mass of liquid fire under our feet, and perhaps had to step across it, to get on from rock to rock; and once, just as I had put my foot on a large lump, which I thought firm, off it went and laid me on my side! I then felt it very hot, and you may be sure I lost no time to recover my footing. When we got across we were not content, but thought our excursion would not be complete without crawling up the side of the crater, to look into the very mouth of it. This we effected with some difficulty, it being very steep and almost up to our knees in hot ashes every step, but when we arrived at the summit, we were most fully repaid for our pains. I am quite at a loss to know what to compare it to! Just under our feet we perceived the lava which came out of this crater in a liquid state and in motion, which was perfectly perceptible, and increased every now and then as a fresh emission from the crater

took place. Immense stones were thrown, in a liquid state, high in the air, and we watched them, and saw them constantly changing their shape as they fell. Nearest the aperture was a constant blaze of liquid matter, and accompanied by such a tremendous noise that we could not hear ourselves speak. We retired from this about sun-set, and again crossed the lava in safety. As it got dark, the whole of the lava downwards appeared red, and the eruption appeared to double advantage.

I find that my description falls very short of the impression which this wonderful spectacle has left on my mind; but I have no doubt but you will have seen many better accounts of it than this, long before my letter reaches you.

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SWEDISH REVOLUTION, AND GUSTAVUS'S RETIREMENT.

EXTRACTS OF PRIVATE LETTERS.

Stockholm, June 27.

"We are all anxiously expecting a messenger from London, to know whether your government will acknowledge Charles the XIIIth, and the present ambassador at your court. From the acknowledged principle, "that you never interfere with the internal government of any country," we flatter ourselves that you will acknowledge our present king, but how it will fare with our ambassador, we cannot pretend to say. We have now some of your men of war in the Baltic, and it is

to be hoped that Alexander will come to terms; the principal object to an accommodation will be the shutting of our ports against our only ally.—The national militia, or what is here called Lands-varn, is in readiness at an hour's notice. Bonaparte is too much occupied to think of Sweden; and I hope all will end well, and that we shall not lose our independence. God grant only unanimity among ourselves; but on this head there are some apprehensions. The peasants have not yet signed the whole of the constitution.—The nobles, clergy, and burghers have done it. I went, from curiosity the other day, to the house where the peasants meet. You cannot form an idea of it, nor can I fully describe it. Represent to yourself a large hall, where you see numbers of farmers and peasants, all dressed in their appropriate habiliments—smoking their pipes, and talking promiscuously. On one occasion I was not a little astonished to observe a deputy from the peasants, of the name of Nelson, or Nelsonson, rise and speak upwards of three quarters of an hour, with all the fluency, and action, and expression of a member of your parliament. He very frankly reminded the superior orders of the state, that the class of which he was a member, had, from the origin of society, been the efficient means of furnishing the rest of the community with the necessities, and many of the comforts of life, and even the very nobles, clergy and burghers, who had signed the constitution, but who had not patriotism enough to consent to an equal participation in the burthens of the state. He did

not, he said, mean to give an offence, but he would observe, that however great the disparity of rank was between the nobleman and the farmer, yet in that assembly, constituted as it was, he knew of no distinctions, except the constitutional distinction of states.—If the nobleman had a better education than the peasant, and filled the high offices of the state and devoted his time and talents to its service, the latter cultivated the ground, supplied the community with the fruits of the earth, and the army and navy with recruits. Their interests were reciprocal, and in times like the present, an unanimity of sentiment and an unity of acting were indispensably necessary for the salvation of the country.—He therefore conjured the nobles to concede the point in discussion, and suffer the constitution to be submitted for the approbation of the states without the obnoxious article which may prove fatal to it, and fatal perhaps to the independence of Sweden; for “sure I am the peasants will not submit to a grievance which has long been the cause of discontent, and which they confidently hoped the diet would in its justice extend to the nobles, as there could be no reason why the most numerous and the most industrious class should be subject to a grievous imposition from which the highest order of the state was totally exempt.”

“I left the hall highly gratified to see the manly independence of the members, the freedom of discussion, and particularly so, as there was not the least appearance of French factions or jacobinical doctrines.

“Gustavus has requested per-

mission to fix his residence at Wisingo,* which was immediately granted. His family will accompany him; and it is said that a regiment of infantry will attend him. The late king is now allowed to walk in the gardens at Grips-holm, which he has not been suffered to do for a long time.—His queen and children may go where they please. We are quite at a loss to conjecture what will be the fate of this unfortunate monarch.—Policy, it should seem, requires that he should not enjoy his liberty as a common subject. When he fixes his abode at Wisingo, his situation will be ameliorated.

“A successor to the crown, on the demise of the reigning king, has not yet been appointed. Some believe that the prince of Augustenburg will be nominated; others perhaps with more reason, are of opinion that king Charles XIII. will suspend his power of nominating for two or three years

when the effervescence of the revolution will have subsided, and the constitution be established; and that he will then nominate the son of Gustavus Adolphus, the late king.

“The Russians have retreated on the other side of Umea.—The Swedish galley fleet has cut off and captured more than 20 large boats, laden with provisions, and destined for the Russian army.—Baron Steddings, who set out from Stockholm some time since, in order to proceed as ambassador for Petersburg, has in consequence of some misunderstanding, not easily explained, returned here. The day before yesterday a Russian messenger arrived with a passport from the emperor for the baron, who sets out again to-morrow for St. Petersburg.

“Among the few noblemen who have not yet signed the act of dethronement of the late king are baron Silverhjelm, formerly Swedish ambassador to your court, and baron Manox, the brother of the reputed father of Gustavus.

“A deputation has arrived secretly from Norway. That country, it is understood, would be happy in being united to this, and would avail herself of any occasion that might have a tendency to accomplish that object upon honorable terms. If, for instance, a formidable expedition was to appear off the coast, which she had not the power of resisting, and should apply for the assistance or mediation of Sweden with success, an union founded on mutual convenience and a similarity of laws and customs, could not fail to be productive of the happiest results.

“N. B. Dr. Dormeier, and not

* Wisingo is a small island about 6 miles long and 3 broad, situated in Lake Wetter, in the Province of Smaland. The air is salubrious, and the soil fertile. The palace which is destined to be the future residence of Gustavus and his family, is neat and imposing. The park is extensive and abounds in game; some parts of it is let out in small plots or farms, which are well cultivated. This inlet is famous for having been the country residence of the Swedish kings in the twelfth and thirteenth centuries, and for being the place where king Charles Swerkersson was murdered by king Knui. Here also died Eric X., Johan Swerkersson, Eric XI., and Magnus Ladulus. The Wetter Lake, which abounds in fish, is much higher than the Baltic or North Sea, and deep and clear, but very boisterous in winter.—Its outlet is by the river Motala.

Dr. Demegas, as stated in the papers, is created a knight of the order of Vasa. It is the same Dormeier who was sent to Sweden by the Society in London, for relieving the Swedes."

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AN ERROR CORRECTED.

About three years ago, a communication appeared in this paper respecting the remains of a Mammoth, which were said to have been found in the county of Wythe, in this state. Amongst other things it was stated, that the contents of the stomach itself had been found to consist of vegetable remains, such as half masticated pieces of cane, twigs, leaves, &c. from which it was at once concluded, that this extraordinary monster had been an *herbivorous* animal.—The circumstance was made known to Bishop Madison of this state. And by degrees, through him, to the whole philosophic world. The reputation of that gentleman conspired with the interest of the subject to excite the curiosity of the world, and extend the circulation of the discovery. It was published in the *Amenitates Graphicae* of Mr. Girardin—in the Physical Journal of Dr. Barton for 1805—among the dissertations of the celebrated Cuvier in Paris—and in the 13th vol. of Nicholson's Philosophical Journal of London. To those, who had taken any interest in the subject, this discovery was peculiarly curious and interesting. It seemed to set at rest for ever the great question about the *herbivorous* nature of the Mammoth. So much seemed to be cut off for ever from the fields of conjecture

and disputation, to be hung up among the trophies of discovery in the temple of truth.

Subsequent facts however, began to cast some doubts over this subject. The imposing gloss of first appearances began to wear away before deliberate and careful observation. An intelligent gentleman had visited the Salt Lick, from which these buried bones were said to have been "cast forth." Some of the bones of the Mammoth were there—such as those of the tail, of the thigh, feet and grinders. But it is somewhat curious, that there was no tusk of *ivory*, such as might have been expected, if the Mammoth were really of the *Elephantine* species. Some of the ruins of vegetable matter were also deposited with these exuviae—such as the stalks of the *cane*, leaves, &c. &c. But it was equally true, that these vegetable remains were not confined to the spot only, where the stomach of the Mammoth may be supposed to have fallen—but that they were all around the bones, above them and below them. There seemed to be little doubt, too, that these strata of earth and vegetable remains might have been formed by alluvion only—and that there were similar appearances of soil in the vicinity of the Lick, and in the county of Wythe, wherever equally favorable scites had occurred for their formation.

In the midst of those doubts, which we began to entertain on the subject, a communication on the nature of the Mammoth was put into our hands. This piece laid considerable stress on the discovery in Wythe.—What was our duty? Being acquainted with the author of the communication,

we assumed the responsibility of waving the publication of that part of it, which relates to this discovery, until we could hear from Mr. Madison. The following liberal communication from that gentleman will fully explain *his present impressions* on this subject.

July 7th, 1809.

DEAR SIR,

To correct an error, as soon as discovered, is a duty, in the discharge of which, I shall always rejoice. I thank you, therefore, for the opportunity which you have so kindly offered of rectifying the mistake into which I was led, respecting the Mammoth of Wythe county. I have now, no doubt, that the worthy gentleman, who related to me the circumstances, which appeared to establish the fact, that the Mammoth belonged to the class of herbivorous animals, was himself imposed upon by illusive indications. His accuracy and good sense were well known to me. I reposed in him that confidence which he justly merits; and could, at the same time when I announced the supposed fact, entertain no doubt of its reality. Later and more extended observations, at the place where the bones were found have proved, however, that the question of the general classification of this extraordinary animal, still remains unsatisfied. We must search for other data, since truth withdraws from us those we had, too eagerly, seized.

I believe, indeed, that we have one, derived from the habitude of the animal, which may be considered as decisive. His relics are rarely found remote from

those salt licks, or saline springs, which are frequent in the Western country; generally, they are found at those very places; sometimes in rich low grounds, or deep vallies, near the largest streams of water; never, so far as I know, upon high hills or mountains. In the county of Botetourt, where there is one of those licks, I have seen, and still have in my possession, some of the bones of that animal, which were dug up, within the vicinity of the lick, of the depth of 18 or 20 feet from the surface of the earth. In no other part of that county have similar bones been discovered. This is the case in Wythe; at the salt-works in Washington county; and so far as my information extends, this is, generally, the case in the states west, south-west, and north-west of Virginia. The presumption, therefore, is, that those saline places were the principal resort of this animal. It is true, that the FERÆ do also frequent such places; but it is only that they may, from some covert or ambuscade, leap upon their prey. The lion, the tyger, or the panther of this country, find, we may believe, at such resorts, the full advantage of their agility; but, we can never believe that an animal of so enormous a mass, as the Mammoth, could possess either the requisite celerity, or find a covert sufficient to conceal his hostile designs. The general law, especially, with respect to the largest animals, is, that their celerity is inversely as their mass; and the probability, arising almost to demonstration, is, that the Mammoth, in consequence of his conformation, was not an exception to that law. The conclusion then appears to be, that he frequented

these saline places from the same impelling cause which acts so powerfully upon all herbivorous quadrupeds; and, that this habitude may be taken as a sure guide in his classification.

I am, Sir,
Yours, very respectfully,

JAMES MADISON.

Williamsburg.

MR. RITCHIE, }
Richmond. }

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CUSTOMS OF THE CREEK INDIANS;
WRITTEN BY COL. BENJAMIN
HAWKINS, AGENT FOR INDIAN
AFFAIRS OF THE UNITED
STATES, SOUTH OF THE OHIO.

1. Among the Creeks a remarkable annual ceremony is performed, called the *Boosketuh*. It is celebrated in July or August. The precise time is fixed by the *Mico* and counsellors of the town, and is, sooner or later, as the state of affairs or the earliness or lateness of their corn will allow. In *Cusetuh* these rites last eight days. In some other towns of less note they continue but four days.

This is a most happy institution. It answers the purpose of a forgiveness of injuries among the people. It restores man to himself, to his family, and his nation. The Lethean qualities buries in oblivion all past offences, and absolves the Indians from all crimes except murder. It restores peace and order to society, and renews the whole aspect of civil affairs. Ceremonies which produce such powerful effects, are not performed without great form and parade.—The manner

of going through them is as follows—

1st day—In the morning the warriors clear the yard of the public square in the village, and put a quantity of white sand in the centre, where the *acee* is brewed. This quadrangle consists of four buildings of one story, facing each other. Their dimensions are about forty feet by sixteen, and the entrance is at each corner.—Each building is a wooden frame, supported on posts set in the ground, and covered with slabs, open in front like a piazza, divided into three rooms, and the back and ends cloyed up to the plates. Each room is divided into two seats; the front two feet high, extending back half way, covered with reeds or slabs; then a rise of one foot, and it extends back, covered in like manner, to the end of the building.—On these seats they lie or sit at pleasure.

The *acee*, called by the traders black drink, is a strong decoction of the leaves of the cassine yapon, a species of *ilex* growing in the woods thereabout. They have a regular method of making and delivering it to all who attend.—Much formality is observed in every thing relative to its preparation and distribution.

In the middle of the square, the men place four logs of wood, each of the length that a man can reach by extending his arms. They put the ends together, directing them to the four cardinal points. In the middle of these they kindle the fire, as early in the morning as practicable, and always by friction. On this occasion all the *old* fire in the village is extinguished, and the *new* fire

is carried to every house, and employed for all domestic purposes.

On the subject of these solemnities, *Esau Haujo*, great medal chief of Tookaubarche, and speaker for the nation in the general council, declared that his opinion, derived from his early education, was, there is an *Esaugetuhemisse*, (or master of breath) who gave these customs to the Indians as necessary to them, and adapted to their condition; and that to follow them entitled the red people to their care and protection in war and difficulties. He said they considered the *Boosketuh* and their physics as proofs of the goodness of *Esaugetuh emisse*, who communicated them in old times to the red people, and assured them that by observing the practices they would be singularly benefitted.

During the first four days, the four logs of wood are to be gradually consumed by fire.

It is now that the *Pinegungau* (or turkey dance) is performed by the women of the *Pinmulgee* (or turkey tribe) and while they are dancing, the *possau* is brewed.—This is a powerful emetic. The *possau* (or decoction of button-snake-root) is drank from twelve o'clock to the middle of the afternoon. After this the *Tocoynlegau* (or tad-pole dance) is danced by four men and four women. In the evening they dance *Enchabungau*, and continue it until daylight.

2d day—This day, about 10 o'clock, the women dance *Hohobungau* (or the gun dance.) After twelve o'clock the men go to the new fire, take the ashes, rub them on the chin, the neck and belly, and then go and jump head-foremost into the river.—They return

into the square. Then the women, having prepared the new corn and other provisions for the feast, some of the new corn is taken by the men, and rubbed between their hands, and on their faces and breasts. After which they feast.

3d day. They sit in the square.

4th day. The women go early in the morning and get the new fire, clean out their hearths, sprinkle them with sand, and enkindle the new flames. The men finish burning the four logs.—They take ashes, rub them on their chins and downwards, and afterwards go into the water. After this they dance the *Obungau-chasico* (or long dance.) They eat salt this day.

5th day. They get four fresh logs, and place them as on the first day. They drink the *Acee* or strong decoction of the Cassine; and, while the decoction of it is boiling, they put some fish and corn in the fire.

6th day. They remain in the square.

7th day. Passed as the 6th.

8th day. They get two large pots, and their physic plants—1, Miccohoyon juh; 2, Zoloh; 3, Achenau; 4, Cuppauposcau; 5, Chulissau, (the roots); 6, Tuckthlailuste; 7, Toteculhillisowau; 8, Chosœinsuckcaufukah; 9, Chofemussee; 10, Hillishutke; 11, Totecuhhookhissee; 12, Welahunuh; 13, Oakchonutchico; 14, Cohallewaugee. These plants are put into the pots, and beaten up with the water. The *Elicchulgee*, chemists, or, as the traders call them, physic makers, blow into it through a small reed: then it is drunk and rubbed over the joints of every one of the men until the afternoon.

Next they collect old corn cobs and pine-burs, put them into a pot, and burn them to ashes. Then four virgins bring ashes from the houses, put them into the pot, and stir all together. The men get white clay, and mix it with water in four pans. One of these pans of clay, and one of ashes, is carried to the cabin of the *Mico*, and the other two to the warrior's cabin. They then rub themselves with the clay and ashes. After this, two men, appointed to that office, bring some flowers of the *Itchauchulepuc-pugge*, which is a sort of dwarfish tobacco, or, as the name imports, "blossoms of the old man's tobacco." These had been prepared on the first day, and put into a pan in the *Mico*'s cabin. A little of this is given to every one present.

The *Miculgee* (or kings) and the *Istechaugueulgee* (or beloved men) then go four times round the fire, and at every time they face the east, they throw some of these flowers among the flames. They then go and stand to the west. The warriors succeed, repeating the same ceremony.

Then a cane is stuck up at the cabin of the *Mico*, with two white feathers on the end of it. One of the *Thloutloulgee* (or fish tribe) takes up the cane just as the sun goes down, and marches toward the river, all following him.—When he gets half way, he gives the death whoop. This he repeats four times, and comes to the water's edge. They then all arrange themselves as close as they can at the margin of the stream. He strikes the cane at the margin. They then put a fragment of the flowers of tobacco on their heads, and in each

ear; and, at a signal given, four different times, throw some into the water; then, at a given signal, all plunge into the river, and gather four stones from the bottom. With these they cross their breasts four times, each time throwing a stone into the water, and uttering the death whoop.—They then wash themselves, take up the cane and feathers, and erect them in the square. After which, they visit through the town, dance the *Obungauhaujo* (or mad dance) in the evening and therewith close the ceremonies of the *Boosketuh*. Such is the ceremonial of amnesty and pardon in the Creek nation.

2. There is another practice called the *Hoithlekisowou*, (or *war physic*;) which is described in the ensuing terms:—When young men are going to war, they go into the "hot house" of the town. This is called *Thlucco* (or the rotunda.) It is near the great square, is of an octagonal shape, thirty feet wide, and twelve feet high. In the middle, on a small elevation, fire is kindled.—It is the assembly room where the men, women, and children gather together every evening, to recreate themselves with singing, dancing and conversation. And in it, sometimes in very cold weather, the old and naked sleep. It is walled and clayed up on the outside, and the entrance is through a small door. In the hot house the warriors remain four days. They drink the *Miccohoyonejau*, and the *passau*, and they eat the *sourwatcheo*, a very bitter root, which has the power of intoxicating or maddening.—On the fourth day they come out, have their knapsack ready and march. This knapsack is an old

blanket, containing some parched corn flour, and leather to patch their moccasins. They carry in their shot bags a charm, like *Obi*, a protection against all ills, called "war physic," composed of *Chitto-yobby* and *Istepeupau*, or the bones of the snake and of the lion.

The tradition of this physic is, that in old times the lion [*iste-paupau*] devoured their people. They dug a pit, and caught him in it just after he had killed one of them. They covered him with light wood knots and burned him, but preserved his bones.—The snake was in the water. The old people sang, and he shewed himself. They sang again, and he shewed himself a little out of the water. The third time he shewed his horns, and they cut off one. Again he shewed himself a fourth time, and they cut off the other horn.

A piece of these horns, and of the bones of the lion, is the great war-physic of the Creeks.

3. They have a solemnity of initiating youth into manhood, which is performed thus: this is annually done to the boys, of from fifteen to seventeen years old.—Like the other yearly ceremony, it is called *Boosketuh*. The lads take two handfuls of the bitter *Sauwatcho*, and continue eating it a whole day. They also steep the leaves and drink the water. In the dusk of the evening they eat two or three spoonfuls of boiled grits. This is repeated for four days, and during the wholetime they remain in a house. After this they go out, but must put on a pair of new moccasins. For twelve moons they abstain from eating buck venison, except that of the old ones, and from

turkey-cocks, fowls and salt. During this period they must not pick their ears, nor scratch their heads with their fingers, but use a small stick. For four moons they must have a fire to themselves to cook their food, and a little girl may cook for them; but their food is boiled grits. The fifth moon any person may cook, but they must serve themselves first, and use one spoon and pan. Every new moon, they drink a decoction of the *possau*, which is a sickener of the stomach, and abstain for three days from all food except a little boiled grits (small homminy) in the evening. The twelfth moon they perform, they repeat the course adopted on the original four days.—The fifth they come out of their house, gather corn-cobs, burn them to ashes, and with these rub their bodies all over. At the end of the lunar period they sweat under blankets, and go into the water; and thus ends the ceremony.

This rite is sometimes shortened to four, six or eight moons, and occasionally even to twelve days; but the course is the same, and it is always under the direction of the great leader. This man, speaking of a youth under initiation, says, "I am physicing him," or, "I am teaching him all that it is proper for him to know." During this preparation, they do not touch any one except young persons, who are under a course with them; and if they dream, they drink the *possau*.

TOPOGRAPHY OF SAVANNAH.

The following remarks, illustrative of the advantages likely to re-

sult to Savannah, from a change in the present mode of cultivating the low grounds in its neighborhood, are contained in a letter from Charles Caldwell, M. D. of Philadelphia, to Dr. Joshua E. White, of Savannah, Georgia.]

Philadelphia, Sept. 27, 1809.

To your friendly, but too flattering communication of the 20th I feel more than usually at a loss to reply. To remain silent on the subject to which it relates, might argue inattention, and to hazard an opinion, might be construed into something bordering on presumption. The very able and eloquent *expose* of the matter in all its bearings, relations and effects, contained in the "Report" of the committee of the Georgia Medical Society, cannot be supposed to derive any additional weight or sanction from the pen of one, many hundred miles remote from the immediate scene of investigation, and who has never had an opportunity of examining the spot. It may be allowable, however, to observe, that, as far as any opinion has been formed on the subject, it perfectly agrees with that *expose*, in all material, particularly in all its practical points.

From the best view I can take, and the most accurate idea I can form, of its topographical situation, I fully concur with the committee in the belief, that the site of Savannah is not *necessarily* or *naturally* a sickly spot. And I further agree with them in believing, that it was not sickly at the period of the original colonization of the state of Georgia; but that it was, in reality, much

more healthy than most parts of the surrounding country. I am even persuaded that there was a time, when it was regarded as, in some measure, the *Montpellier* of the low country, in the southern extreme of the colonies, while they yet constituted an appendage to the British empire. Nor does it appear to have been destitute of a very fair claim to that honorable distinction.

That the committee are perfectly correct in their opinion of the chief causes that have led to the present alarming increase of disease in the city of Savannah, there cannot, I think, be a shadow of doubt. Examine circumstances, and torture nature as you may, there seems to be no other discoverable source from whence to derive this change so extremely unfavorable to human health, and so destructive of human life, but the *clearing and injudicious cultivation of the adjacent lands*.

Of all plants that engage the attention, exercise the industry, and gratify the cupidity of man, there is not, I believe, one, the cultivation of which gives rise to so deleterious, so pestilential an atmosphere, as that of rice. Were it necessary to enter on a formal defence of this assertion, evidence abundantly sufficient for the purpose might be collected from different quarters of the globe. Asia, Africa and America, abound in such evidence. It requires but a slight acquaintance with the British settlements in India, to know, that in many parts of them the inhabitants experience annually great sickness, and suffer oftentimes a wasting mortality, from the immense volumes of septic effluvia thrown into the atmosphere from plantations of

rice. And by the most competent judges who have visited the spot, it is declared, that a very great proportion of the autumnal disease which annually commits such ravages in the country of the Senegal, arises from the cultivation of the same plant. And as to the United States, limited as my knowledge of South Carolina is, and long as it is since I have travelled through that section of the union, I notwithstanding remember many spots that have very unwisely bartered *health* for *disease*, by exchanging the wild and native productions of the country, for extensive and plentiful fields of rice.

Were the inhabitants of Savannah, then, eagerly bent on rendering the air they breath as pestilential as possible, it is perhaps doubtful whether or not they could devise an expedient, better calculated for the attainment of their object, than that of annually clothing, in this *luxuriant aquatic*, the lands which lie adjacent to the city. Were these lands, during the summer and autumnal months, either entirely flooded or entirely dry, they would be in their effects comparatively innocent; but, by being alternately wet and dry, and overspread, during a part of the time, with a covering of vegetable slime, putrifying beneath the fervors of an intemperate sky, they may be said, literally and without an hyperbole, to constitute an extensive hot-bed of disease. A hot-bed formed by the misguided industry and enterprise of those who are to participate, and who actually do participate in the wasting calamity to which it gives origin.—Hence, the necessity of oftentimes stepping in between the *people*

and themselves, to prevent them from falling a sacrifice to their own folly, cupidity, or want of information.

The means proposed by your committee for ameliorating the atmosphere of Savannah, and with that, improving the health of the inhabitants, are wise and judicious, and bespeak an acquaintance with nature, a profoundness of investigation, and a correctness of thought, highly honorable to that learned body.

To substitute for the rice plant, grass and other vegetables that will require *draining* rather than *flooding*, and that will devour and convert to their own nutriment *septic effluvia*, instead of sending them forth abundantly into the surrounding atmosphere, is a measure so simple, so rational, and so easily comprehended, that I think it cannot fail to command the approbation and concurrence of every intelligent and reflecting mind. Such a covering of vegetables will do much towards *smothering in the birth* the febrile venom that now takes wing and spreads devastation through the streets of Savannah.

The surrounding of your city with a *cordon* of forest trees, is an expedient, no less wise and judicious, and cannot fail to afford an additional security to health. In the countries of the east, (by which I mean more particularly the Persian and Chinese Empires) where the climates are warm, where rice is extensively cultivated, and where many of the prevailing customs are replete with wisdom—in these countries, I say, the practice of encircling the cities with luxuriant and thick foliaged trees, for the purpose of preserving the health of the in-

habitants, has been in existence time immemorial. The trees more particularly used in these climates are the Palm and the Plantain.

As far as I am acquainted with the subject, Italy was the first country in Europe to adopt this wise and salutary practice. It was there introduced by the advice of Lancisi, one of the most enlightened physicians of modern times. Unfortunately, however, the practice never prevailed to any extent, and, owing to the low and neglected state of medical science in that country, it appears to be, at present, entirely abandoned. Nor do I know that it has ever made its way into any other part of the continent of Europe. In the present question, however, this is a matter of little importance : For, whether the practice prevails in Europe or not, it is founded on principles of reason and science ; and, as far as it has been adopted in the United States or elsewhere, has proved highly useful. The trees not only serve as a mechanical barrier to the progress of the airy poison, but at the same time arrest it in its course, and literally devour it.

Were it necessary, hosts of facts might be drawn from the history of the West India islands illustrative and corroborative of the principles and reasonings here laid down—principles and reasonings, however, which are still more amply and circumstantially detailed in the “report” of your committee. But a single, though well known event, in the medical history of Philadelphia, shall serve my present purpose, and at the same time close this communication, which has already extend-

ed to an unexpected and I fear to you a tiresome length.

Directly to the southward of the city of Philadelphia (properly so called) lies the district of Southwark ; and to the southward of that again, but immediately adjoining it, a low and level tract of land, denominated the Neck.—This tract which is situate between the rivers Delaware and Schuylkill, immediately above their confluence, consisted originally of marsh and natural meadow, shaded, however, from the rays of the sun by a plentiful growth of forest timber and underwood. A considerable range of forest trees stood also between it and the southern extreme of the city.

On the first settlement of Philadelphia, no inconvenience was sustained by its inhabitants, from the proximity of the Neck, because its soil lay under so deep a shade, that no septic exhalations could be generated in it to contaminate the atmosphere. Nor did this humid tract of land prove productive of disease among the citizens, even after it began to be stripped of its woody covering, *while the range of forest trees stood as a guard between it and the city.*—But when the British army had possession of Philadelphia, during the revolutionary war, this cordon of timber was cut down to serve as fuel for the troops. The consequence was precisely what ought to have been, and no doubt by many was anticipated. The septic exhalations from the *half cultivated Neck* now found their way to the city, particularly into the southern and nearest part of it, marking their footsteps with disease and death.

But this evil, formidable as it was for a time, was not without a remedy. Nor was it long before this remedy was applied. The increasing population of the city, with the concomitant increase of trade and commerce gave life and vigor to agriculture in all the adjacent country. This was particularly the case in the *Neck*, the soil and situation of which were found peculiarly favourable to the growth of grass, fruit trees, and esculent vegetables of almost every description. For many years past, this whole tract of land (now one of the most valuable in the United States) has presented a vast extent, almost unbroken of meadow and garden, under the highest cultivation.— But very little superfluous moisture now prevails in it, and the process of putrefaction has scarcely an existence.

The result of this happy revolution in the agriculture of the *Neck*, must be sufficiently obvious to you. The tract of land, once so pestiferous, has ceased to pour forth its streams of febrile poison along our streets, and Philadelphia is now, except when visited by malignant fever, one of the healthiest cities in the world.

If, then, the mere cultivation of grass and esculent vegetables, without an intervening range of trees, (for the trees have never been restored) has rescued our city from the exhalations of the *Neck*, there can, I think, be little doubt, but the same plants, together with a protecting cordon of trees, as proposed by your committee, will rescue Savannah from the pestilential poison which now assails it with such deadly effect from the adjacent rice fields.

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